Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTY-FIRST CONGRESS
SECOND SESSION

SENATE

MONDAY, *June 23, 1930*

(*Legislative day of Wednesday, June 18, 1930*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Chair lays before the Senate the special order for to-day, which will be stated.

The CHIEF CLERK. A bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

Mr. REED obtained the floor.

Mr. FESS. Mr. President, will the Senator yield to enable me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield for that purpose?

Mr. REED. If it is understood that I do not lose my right to the floor, I yield to the Senator from Ohio for the purpose of suggesting the absence of a quorum.

Mr. BINGHAM. Will the Senator withhold the demand for a quorum that I may ask unanimous consent that the Chair lay before the Senate the action of the House of Representatives on the District of Columbia appropriation bill.

Mr. FESS. I yield for that purpose.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. I ask that the Chair may lay before the Senate the action of the House of Representatives on the District of Columbia appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting on its disagreement to the amendments of the Senate to the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. BINGHAM. I move that the Senate further insist upon its amendments, ask a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BINGHAM, Mr. PHIPPS, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK conferees on the part of the Senate at the further conference.

CALL OF THE ROLL

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McMaster	Smoot
Ashurst	Gillett	McNary	Steck
Barkley	Glass	Metcalf	Steiwer
Bingham	Glenn	Moses	Stephens
Black	Goldsborough	Norris	Swanson
Blaine	Hale	Oddie	Thomas, Idaho
Borah	Harris	Overman	Thomas, Okla.
Bratton	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Heflin	Reed	Walcott
Copeland	Howell	Robinson, Ark.	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kendrick	Sheppard	Wheeler
Deneen	La Follette	Shipstead	
Dill	McCulloch	Shortridge	
Fess	McKellar	Simmons	

Mr. SHEPPARD. I wish to announce that the Senator from Missouri [Mr. HAWES], the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 304. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 363. An act for the relief of Charles W. Martin;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles;*

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2718. An act for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 30) to pay to Helen T. Scott a sum equal to six months' compensation of the late Walter W. Scott.

The message further announced that the House had agreed to the amendment of the Senate to the following bills of the House:

H. R. 745. An act for the relief of B. Frank Shetter;

H. R. 3430. An act for the relief of Anthony Marcum; and

H. R. 3764. An act for the relief of Ruban W. Riley.

The message also announced that the House insisted upon its amendment to the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCLEOD, Mr. BEERS, and Mr. WHITEHEAD were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 328. An act for the relief of Edward C. Dunlap;

S. 1252. An act for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased;

S. 2972. An act for the relief of DeWitt & Shobe; and

S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 968. An act for the relief of Anna Faceina;
S. 3038. An act for the relief of the National Surety Co.;
S. 3472. An act for the relief of H. F. Frick and others; and
S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon*.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 576. An act for the relief of Matthew Edward Murphy;
H. R. 644. An act for the relief of Casey McDannell;
H. R. 680. An act for the relief of J. O. Winnett;
H. R. 1826. An act for the relief of Floyd Dillon, deceased;
H. R. 3159. An act for the relief of W. F. Nash;
H. R. 3960. An act for the relief of Louis Nebel & Son;
H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army;
H. R. 5212. An act for the relief of George Charles Walthers;
H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;
H. R. 6195. An act for the relief of Joseph Faneuf, otherwise known as Joe Faneuf;
H. R. 6642. An act for the relief of John Magee;
H. R. 6694. An act for the relief of P. M. Nigro;
H. R. 7063. An act for the relief of H. E. Mills;
H. R. 7445. An act for the relief of J. W. Nix;
H. R. 8438. An act for the relief of J. T. Bonner;
H. R. 8612. An act for the relief of Ralph Rhees;
H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
H. R. 9279. An act for the relief of Henry A. Knott & Co.;
H. R. 9347. An act for the relief of Sidney J. Lock;
H. R. 9564. An act for the relief of Thomas W. Bath;
H. R. 10490. An act for the relief of Flossie R. Blair;
H. R. 10532. An act for the relief of Frank M. Grover;
H. R. 10542. An act for the relief of John A. Arnold;
H. R. 10983. An act for the relief of Iria T. Peck;
H. R. 11564. An act to reimburse William Whitright for expenses incurred as an authorized delegate of the Fort Peck Indians;
H. R. 11565. An act to reimburse Charles Thompson for expenses incurred as an authorized delegate of the Fort Peck Indians;
H. R. 11608. An act for the relief of Jerry Esposito;
H. R. 11675. An act to authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public-school use;
H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; and
H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 745. An act for the relief of B. Frank Shetter;
H. R. 3430. An act for the relief of Anthony Marcum;
H. R. 3764. An act for the relief of Ruban W. Riley;
H. R. 7643. An act to establish a term of the District Court of the United States for the District of Nevada at Las Vegas, Nev.;
H. R. 11050. An act to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district;
H. J. Res. 251. Joint resolution to promote peace and to equalize the burdens and to minimize the profits of war; and
H. J. Res. 311. Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. May the RECORD show that by unanimous consent the formal reading of the bill was dispensed with——

The VICE PRESIDENT. That has already been ordered.

Mr. SHORTRIDGE. And the first amendment proposed by the committee was read and is pending?

The VICE PRESIDENT. That is the pending question. The first amendment of the committee will be stated.

The CHIEF CLERK. On page 1, line 11, after the word "purposes," it is proposed to strike out "*Provided*, That in making regulations pursuant to existing law with reference to home treatment for service-connected disabilities, the director shall not discriminate against any veteran solely on the ground that such veteran left a Government hospital against medical advice or without official leave; the director" and insert the word "and," so as to read:

That section 5 of the World War veterans' act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes and shall decide all questions arising under this act.

Mr. WATSON. Mr. President, will the Senator from Pennsylvania yield?

Mr. REED. If I do not lose the floor.

Mr. WATSON. As the basis for discussion I should like to have read the letters which I send to the desk.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield for that purpose?

Mr. REED. If it is understood that I do not lose the floor.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

THE WHITE HOUSE,
Washington, June 21, 1930.

The Hon. JAMES E. WATSON,
United States Senate.

MY DEAR MR. SENATOR: In accordance with our discussion, I am sending herewith communications from Secretary Mellon and General Hines, Director of the Veterans' Bureau, on the subject of the World War veterans' legislation now before the Congress, showing the result of their investigation into the effect of the bill reported this week to the Senate. These memoranda confirm the views which I have expressed during the past few weeks and I believe the Congress and the public should be informed thereon.

General Hines states that the bill which has been passed by the House of Representatives will add directly to our present expenditure for World War veterans—at present $511,000,000 per annum—by $181,000,000 for the first year, increasing annually until it reaches a possible additional sum of $400,000,000 a year. This bill as amended by Senate committee will add directly $102,000,000 the first year, ultimately rising to the addition of a sum of $225,000,000 per annum. Even these estimates are far from including the whole of the potential obligations created by the principles embraced in this legislation and the uncertain added expense by certain amendments to previous legislation.

Mr. Mellon states that the passage of this legislation implies positive increase of taxation at the next session of Congress.

It does not appear that these bills even represent the real views of the various veterans' organizations. The American Legion, after careful study as to what they considered the needs of their fellow veterans, proposed legislation which would require an additional annual expenditure of $35,000,000 per annum. Thus these measures which are before Congress represent an implied increase in expenditures of from three to ten times what these veterans themselves consider would be just. The Veterans' of Foreign Wars and other organizations have contended for a measure differing entirely from those now proposed.

General Hines has pointed out that this legislation goes far beyond immediate necessities and that, of even more importance, it creates grave inequalities, injustices, and discriminations among veterans resulting from the methods adopted or extended in these bills and creates future dangers to both the public and the veterans. The very fact that the committees of Congress and the various veterans' associations have themselves been, during the past six months, of many minds upon these questions indicates their extreme difficulty. There certainly comes from it all the conclusion that we should either have a sound plan now or should have more time for determination of national policy upon established principles in dealing with these questions for the future. We must arrive at such a basis as will discharge our manifest obligation with equity among veterans and to the public.

I do not wish to be misunderstood. There are cases of veterans who are in need of help to-day, who are suffering, and to whom I earnestly wish to see generous treatment given. But these situations do not reach anything like the dimensions of these measures.

We have stretched Government expenditures in the Budget beginning July 1 to the utmost limit of our possible receipts and have even incurred a probable deficit principally for the relief of unemployment through expansion of public construction. Every additional dollar of expenditure means an additional dollar in taxes. This is no time to increase the tax burden of the country. I recognize that such considerations would carry but little weight with our people were the needs of our veterans the issue and were we dealing with sound measures; but, as General Hines presents, there are conclusive reasons for opposing an

unsound measure which is against the best interests of the veterans themselves and which places an unjustified load upon the taxpayers at a time when every effort should be made to lighten it.

I do not believe that just criticism or opposition should arise to such suggestions upon full understanding of the situation, for I know that the great body of patriotic men who served in the World War themselves recognize that there are limits to expenditure and that there are principles that should be adhered to if we are not to prejudice their interest both as veterans and citizens.

Yours faithfully,

HERBERT HOOVER.

Mr. SHORTRIDGE. Mr. President, I wish to say that the President has been misled when he says that the American Legion does not approve of this bill.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from California?

Mr. REED. No, Mr. President; I yielded merely for the reading of the letters.

Mr. SHORTRIDGE. I rose for the purpose of making the statement I have made.

The VICE PRESIDENT. The clerk will resume the reading.

The Chief Clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I have your memorandum stating that the Director of the Veterans' Bureau estimates the cost in the fiscal year 1931 of H. R. 10381, as amended and reported by the Senate Finance Committee, to be $102,000,000, and the ultimate cost to be $225,000,000 annually. You ask me to give you my best judgment as to whether receipts for the fiscal year 1931 will be adequate to support this additional burden. I regret to say that they will not.

You appreciate, of course, the very great difficulty of estimating revenue 12 months in advance, particularly when, as under our system, the Government depends so largely on one form of tax—the income tax—which is directly susceptible to fluctuations in business conditions. An absolutely accurate estimate would presuppose our ability to forecast general business conditions over the period of the next 12 months, and this is obviously impossible.

Based on estimates of expenditures furnished by the Director of the Budget and on this department's estimates of receipts, which, I may add, are predicated on a not unhopeful attitude in respect of future business developments, the present indications are that the Government will close the fiscal year 1931 with a deficit of over $100,000,000. If the reduced income-tax rate is to be retained and made applicable to 1930 incomes present estimates forecast a deficit of approximately $180,000,000. These figures are, of course, exclusive of any additional burdens to be imposed by new legislation.

I think I should call your attention to the fact that these figures are based on the assumption that interest payments to be made by foreign governments in accordance with existing debt-settlement agreements will be paid in United States Government securities, as they have almost universally been paid in the past, rather than in cash, thus constituting an automatic reduction of our national debt, but not making these payments available for current expenditures. Even when foreign interest payments have been made in cash the Treasury up to the present time has been in a position to apply them to the reduction of our national debt. This policy has been so well established over the course of years, and is manifestly so sound, that foreign repayments, both principal and interest, have come to be looked upon as definitely earmarked for the reduction of our war debt. Moreover, whether these interest payments are to be made in securities or cash is dependent on conditions wholly without our control. We are not justified, therefore, in budgeting upon the assumption that they will be made in cash. But assuming that they are, and assuming that our Government is willing to set aside its well-considered and established program of debt reduction, even then I can not give you any assurance at the present time, and without taking into consideration new burdens, that we can retain the 1 per cent reduction and not incur the danger of a deficit.

But if $100,000,000 or more is to be added to the expenditures already in sight, it is perfectly apparent that the 1928 income-tax rates must be restored, and I should not be quite fair to the Members of both Houses and to the taxpayers of the United States if I did not point out at this time that this increased burden may necessitate even higher rates than provided for in the 1928 revenue act.

In the present state of business, accompanied as it must be by an inevitable reduction in the national income, the Treasury Department is vitally interested in not definitely closing the door to the possibility of retaining the reduced tax rates now in existence. In spite of the figures above quoted, I am still hopeful that conditions may have shown such improvement by December as to justify my recommending to you and to the Congress a renewal of the action taken last December. The present estimates do not indicate that this is possible, but this does not mean that we should put ourselves in such a position as to preclude the possibility should events take a favorable course.

In this connection I think it is appropriate to remind you of what this 1 per cent reduction means to the income-tax payer, and particularly to the income-tax payer with a moderate income.

If the 1 per cent reduction is not retained, approximately 2,095,000 taxpayers with net income of $10,000 or less will pay during the calendar year 1931 approximately $28,000,000 more than they would otherwise pay, thus losing the benefit of a 56 per cent reduction. If we take taxpayers with net incomes of $7,000 or less, they will lose the benefit of a 66 per cent reduction in taxes. It will be remembered that about two-thirds of the tax reduction benefit to individuals was accorded to taxpayers with net incomes of $25,000 or less.

In so far as corporations are concerned, if the rate is restored to 12 per cent they will lose the benefit of approximately a $90,000,000 reduction in their income taxes—at a time when the Government should endeavor to relieve rather than to increase the burdens on industry.

In conclusion I can answer your question by stating that legislation increasing the expenditures for 1931 by $100,000,000 and more over and above expenditures as now estimated by the Budget Director will necessitate the restoration of rates applicable to 1931 income to the rates provided for in the revenue act of 1928, and it is probable that such increased expenditures may call for even higher taxes in order to maintain a balanced budget.

In fairness to the country I feel that the Congress should be informed that if expenditures are further increased now taxes must be in December.

Faithfully yours,

A. W. MELLON.

The PRESIDENT,
The White House.

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I wish to call your attention to the very grave situation that has arisen in the matter of veterans' legislation, both as to the proposed principles being considered and their ultimate effect, if adopted, upon the veterans and upon the policy and expenditures of the Government and the very large immediate burden which this legislation calls for.

I recently advised the Senate Committee on Finance that the bill passed by the House of Representatives, and then being considered by them, would cost approximately $181,040,650 per annum and a possible final annual expenditure of over $400,000,000.

The Senate Finance Committee made various amendments to this bill, and I have now made a reexamination of the cost implied under the bill as reported to the Senate. This bill requires an estimated immediate annual expenditure of $102,553,250, with a growing maximum cost reaching a potential amount in five years of approximately $225,000,000 per annum.

Of the deepest concern to the Nation should be the principles being incorporated into these forms of legislation. The principles in both of these bills depart absolutely from the original conception of assistance to World War veterans based upon disability to earn their living because of injury or disease arising out of the World War. No one questions the obligation of the Nation to its disabled veterans, and under the present law some 374,500 veterans or their dependents, out of the total of 4,500,000, are now being compensated at an annual expense approximating $206,000,000. These veterans also participate with all other veterans in the benefits of the war-risk insurance legislation and the so-called bonus legislation, which brings up the total annual sum of expenditures of this bureau at the present time to approximately $511,000,000.

One of the results of this legislation would be that men suffering with those diseases now presumed to have been acquired in the service if developed prior to January 1, 1925, would have such diseases presumed to have been acquired in the service if they developed prior to January 1, 1930, and other men suffering with diseases which have not heretofore been afforded the benefit of any presumption by law would be presumed to have acquired their diseases in the service if the same arose prior to January 1, 1930. It is estimated that this provision alone would probably affect approximately 100,000 veterans not now in receipt of compensation benefits for these disabilities.

The medical council of the Veterans' Bureau, comprising some of the ablest physicians and surgeons of our country, has reported to me that the inclusion of the diseases contemplated by this provision is unsound medically, and it can not be presumed that the diseases involved are the result of service during the World War. Therefore the theory upon which these benefits are extended is false.

If we are to depart from the sound principles of the payment of compensation for injury and disease resulting from war service, then it would appear to me that the real problem before us is whether the Nation is going to assume responsibility for disabilities among the four and a half million veterans which originate as ordinary incidents

of life. The policy of our Government, almost from its inception, has been to take care of our veterans when they have reached that period in life when they are overcome by permanent disabilities or age, so that they are unable to earn a support. At this date, 13 years after the World War, the veterans of that war average about 38 years of age. If it is claimed that the time has been reached when it is necessary to give consideration to the matter of a pension for this group of veterans, along the same lines that we have cared for veterans of other wars, then the policy should be based upon the fundamental principles of pension legislation adopted to what the Nation can afford to do for the entire group of veterans who will eventually have to be cared for. Most certainly we should distinguish clearly between those veterans whose injuries and disabilities were incurred in service and those whose disabilities have been brought about by other causes after service. To approve a measure which will simply take care of 100,000 of these men, under a presumption which we know is unsound, where their disabilities are not due to service, without extending to their comrades in the larger group the same measure of relief, is manifestly inequitable. In other words, we are opening the door to a general pension system at the same rates of compensation given to men who actually suffered in the war. Its potential cost to the Government may quite well run into hundreds of millions of dollars.

I have no doubt that the Congress has in mind by suggesting the further broadening of the presumptive clause of the present World War veterans' act, taking care of a number of cases which they feel are meritorious and which at this time the law does not cover. If it was only the intention of the Congress to take in border-line cases, it might well be accomplished by so amending the present act to permit the bureau to give due regard to lay and other evidence not of a medical nature in connection with the adjudication of claims. Such a provision would be interpreted by the Veterans' Bureau as sufficiently broad to permit liberal adjudication of border-line cases.

Another radical departure in the proposed legislation from the existing law is the provision to give a cash allowance to men in hospitals not suffering from a service-connected disability and while in hospital to also pay an allowance for their families and dependents. Under the present law, where there are vacant beds available opportunity is afforded to a veteran for medical care in hospitals when he is in need of treatment without regard to the character or origin of his disability. The hospital facilities of the Government are at this time inadequate to provide care for all veterans of noncompensable disability who need medical attention, and consequently there is before the bureau at all times a waiting list of men seeking treatment. We are faced with the proposed policy of paying the veteran fortunate enough to secure a hospital bed an allowance for himself and his dependents. For the veteran who is equally in need of treatment but for whom a hospital bed is not available, it is not proposed that any payment be made either to himself or to his dependents. Inequity immediately arises, and to the extent the Government is not able to furnish hospital beds does this inequity increase. The Congress has not signified definitely its purpose to construct permanent hospital beds for all veterans who need hospital treatment. Certainly with the passage of this proposed provision there would result a definite and increasing demand for additional hospital beds and in all equity such a demand can not but be recognized. It is conservatively estimated the total number of veterans who will need hospitalization is 69,000. If the Government is to provide sufficient hospital facilities so that all men suffering with disabilities, irrespective of service origin, can be hospitalized, it would necessitate providing within the next three years 13,000 new beds in addition to those existing or authorized. The cost of construction of such facilities would approximate $45,500,000, and the annual maintenance cost, after completion, would approximate $19,500,000. Further, if the Government is to eliminate all question of inequality, even to the point where the bureau's peak of hospital load is expected, current estimates indicate an ultimate need of 39,400 additional beds, the cost of construction of which would approximate $137,900,000, with an annual maintenance cost of $59,100,000.

Even with all these provisions we would not have taken care of old age and many other fatalities that may happen to our World War veterans.

My plea at the moment is that we are proceeding on wrong principles, that we are driving toward such a stupendous expenditure by the Government, the extent of which can not be estimated, as will eventually react against the interest of the disabled veterans themselves. We are creating a prospective burden for the taxpayer, before we have adopted any sound national policy of dealing with the whole problem, which will have committed ourselves directly and inferentially to a total annual expenditure on account of World War veterans of upward of a billion dollars per annum even before we have given consideration to the granting of pensions. My plea is directed to the fact that this legislation should not be passed, and that there should be substituted an entire consideration of the principles upon which the Nation will discharge its obligations, not by creating injustices and inequalities, but by some method of general application to the entire group.

Pending such study, I earnestly urge that the bill which I submitted for the consideration of Congress, which will be beneficial to many veterans, be adopted.

Very sincerely yours,

FRANK T. HINES, *Director.*

Hon. HERBERT HOOVER,
President of the United States,
The White House.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. If I do not lose the floor.

Mr. ROBINSON of Arkansas. I wish to submit a request for unanimous consent in connection with that already adopted.

Manifestly, there ought to be some division of time—I am not going to make a speech on the subject—between the proponents of this bill and of the amendment which it is understood the Senator from Pennsylvania is about to propose. I ask unanimous consent that the time intervening between now and 3 o'clock be equally divided between those who favor the bill and those who favor the amendment.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. REED. I yield to the Senator from Indiana.

Mr. WATSON. Inasmuch as these propositions have just come before the Senate, would it not be eminently fair to both sides to extend the time to 5 o'clock, instead of 3, by unanimous consent?

Mr. ROBINSON of Arkansas. I think that can be done by unanimous consent—and divide the time equally between the two propositions.

Mr. WATSON. Yes; divide the time equally.

Mr. ROBINSON of Arkansas. I make that request. Of course, it must be done by unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. GEORGE. Mr. President, that does not in any way abrogate the further provision of the unanimous-consent agreement that before adjournment to-day we will take a vote?

Mr. ROBINSON of Arkansas. No; and that the limitation of debate to 10 minutes go into effect at 5 o'clock instead of 3.

I hope Senators will agree to that.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, I do not want to object, but I desire to understand the request. Does not the Senator think it would be well to run on until 3 and see how much debate develops?

Mr. ROBINSON of Arkansas. No; I am morally sure that the general time ought to be extended now.

Mr. DILL. I have no objection.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. Reserving the right to object, I think the request is premature, for the reason that I do not know what the amendment is which the Senator from Pennsylvania is going to offer. I have not seen it yet. I do not know what its terms are, or how the time can be divided between those who are for and against. So, for the time being, until I find out what the proposition is, I shall have to object.

Mr. ROBINSON of Arkansas. Mr. President, I will renew the request a little later.

I wish to state now, with the indulgence of the Senator from Pennsylvania, that it is quite surprising that after this bill should have been pending before the Committee on Finance for so long a time, should have been considered and reported to the committee, just the minute before the bill is to be disposed of, and after a time limit has been fixed on debate, propositions that impeach the bill from beginning to end are brought forward in the way that is being done.

I am not criticizing anybody for the course pursued. I am simply stating a fact. I can not understand why these issues were not brought before the Finance Committee. What is the object of the great committees of the Senate if the real issues in important legislation are not to be threshed out and conclusions reached concerning them before committees?

We have here now one of the most important bills of the entire session, brought in during the closing days of the session, and issues raised concerning it that apparently have not been considered by the committees of the Senate; and we are expected in two or three hours to determine those issues.

I shall renew my request later.

(At this point, by unanimous consent, sundry reports were made and matter submitted for printing in the RECORD, which appear under their appropriate headings.)

The VICE PRESIDENT. The Chair will state that the unanimous-consent agreement provides that no other business shall intervene in the consideration of the special order; but, of course, it is up to the Senate to determine its procedure.

Mr. GEORGE. I shall object to any further business intervening.

Mr. REED. Then, Mr. President, I shall proceed with the matter in hand.

First, I want to reply to the suggestions of my friend from Arkansas that this matter ought to have been brought forward earlier.

The veterans' bill was not reported to the Senate until last Tuesday. In the deliberations of the committee that occurred before that time I, for one, was unable to take any part because of the practically continuous sessions of the Committee on Foreign Relations, which was working on the naval treaty. Last Thursday, such was the zeal to pass this bill that there was some difficulty in preventing the rivers and harbors bill from being laid aside so that the veterans' bill might be passed with practically no discussion. Again on Friday the same spirit was manifested; and it was only when we had been able to work out a consent agreement for a vote before adjournment to-day that the Senate was willing to give us time for consideration even over the week-end. So that is the reason why the thought that I have has not been presented before, either to the committee or to the Senate.

I am not going to talk very long, Mr. President; but it seems to me that both the magnitude of the amount involved and the magnitude of the distress involved on the part of the veterans demand the careful attention of the Senate. Whether our thoughts be turned to the country as a whole and its fiscal affairs in this time of difficulty, or whether they be turned to the veterans of the last war and the distress that results to them from the physical incapacity to which many of them have been reduced, whichever way our thoughts turn, or whether we try to think of both, the business in hand demands the best thought we can give it.

Let me very briefly describe the need that there is for this bill.

By legislation which is more liberal than that which has been adopted by any other country at any time in the history of the world, we have attempted to take care of those of our veterans of the World War whose disability is ascribable to their military service; and everyone of us, I think, is glad that we have done so. Everyone of us is glad that so far as Congress can do so, we have resolved every doubt in favor of the veteran.

In view of the prosperity of the country, in view of the need of many of those veterans, we need have no reproaches upon ourselves for the liberality we have shown in the past in these veterans' compensation bills. I am not speaking now of the officers' retirement bill. That is a side issue. I refer to the World War veterans' law.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield for a brief statement right there?

Mr. REED. I yield.

Mr. ROBINSON of Indiana. I understood the Senator to say that all doubts are resolved in favor of the veteran. Doubts are invariably resolved in favor of the Government.

Mr. REED. Mr. President, perhaps I spoke too broadly when I said "all doubts." I should more fairly have said "most doubts." Necessarily, however, in the administration of the law, the Veterans' Bureau has had to draw the line somewhere. What Congress has done has been to try to resolve the doubt in favor of the veteran; and we have gone so far as to presume conclusively that a man who went crazy in December, 1924, owes his insanity to his World War military service, although it may have lasted only one week, and may have been quite as peaceful as the service of any National Guardsman in any summer camp.

We have done the same thing with tuberculosis and with a lot of other diseases; and the beneficiaries of those presumptions are men, I say again, whose service was no more arduous, no more dangerous, no more difficult, than that of any National Guardsman or reserve officer who to-day goes to summer camp for a week or so.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. CUTTING. Is the Senator speaking about definite cases, or is he speaking about hypothetical cases?

Mr. REED. I am speaking about definite cases to the number of tens of thousands.

Last week an officer who was a doctor in the Medical Corps in our Army in the World War applied for retirement under the Tyson-Fitzgerald Act, which gives him two-thirds of his Army pay for the rest of his life; and it was found upon looking up his case that his service to this grateful country began on November 9, 1918, and ended on November 11. He never got outside his home town. If the Senator wants definite cases, I can give them to him by the hundreds.

Mr. CUTTING. I thought we were not discussing the Tyson-Fitzgerald bill.

Mr. REED. No, Mr. President; we are endeavoring, under multiple difficulties, to discuss the bill now before the Senate.

Mr. CUTTING. I mentioned specific cases only because I should like, if I am able to get the floor, to present certain specific cases dealing with, for instance, the presumption of insanity which the Senator has mentioned.

Mr. REED. Very good. I am still in the process of the introduction of my subject, Mr. President. What I am trying to say is that Congress has endeavored to be liberal, and I am glad that she has. No doubt we have given compensation to many cases whose disability is not at all ascribable to military service; but if we have erred on the score of liberality, I think we are all glad that we have.

In framing the World War veterans' act we realized that there might be vacant beds in the hospitals we were providing here or there, and with that in mind in that act we provided that those vacant beds, wherever they occurred, might be occupied by service men who were ill, even if their illness had nothing whatever to do with their World War service. It is important to bear that in mind, because it has brought about a strange situation.

In every veterans' hospital to-day there are two groups of patients, one group composed of those whose disabilities are directly connected with their military service, who are receiving compensation under the World War veterans' act of 1924. There is another group who are there because of that clause in the veterans' act permitting them to occupy vacant beds, although their disabilities have no connection with their World War service.

The contrast between the two groups is very marked, and the World War veteran who lies there in his hospital bed feels pretty bitter about it when he knows that the man in the next bed is getting perhaps $80 or $100 a month in compensation and that if he has any dependents those dependents are having allowances made to them, while he, simply because he does not come within some of those presumptive clauses, gets nothing. He can not, even with the help of the presumption, trace his disability to his World War service.

It is estimated that at the present time there are about 300,000 World War veterans who are to some extent disabled, and whose disabilities can not under the law be ascribed to their World War service. There are approximately 300,000 whose disabilities are traceable to their war service. That gives us two groups, probably on the average equal in service to their country, but one group, quite unfortunate, living in destitution, and the other group with very liberal allowance under the law.

That is the situation the House and the Senate have been trying to reach by the bill now before us, and the intention is wholly praiseworthy. Everyone must see that a disability feels the same to the veteran in bed No. 1 as to him in bed No. 2, and that it is to some extent an accident that No. 1 can receive nothing but that No. 2 does receive a liberal allowance.

This is what the bill as it comes to the Finance Committee does in trying to get to those unfortunate cases. It begins by extending the presumptive period from 1925 up to 1930. It abolishes the arbitrary line of January 1, 1925, and substitutes a new arbitrary line, January 1, 1930. Consequently, in the future, if the bill passes in the way in which it is, if a veteran showed signs of tuberculosis last Christmas time he is presumed to have gotten that tuberculosis as a result of his World War service, while if he showed it in New Year's week he gets nothing.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. SHORTRIDGE. Will the Senator be good enough to state that that presumption is, of course, rebuttable? If what General Hines says be accurate, it will be very easily overcome by evidence. It is not a conclusive presumption at all.

Mr. REED. I grant it is not. Then, let us put it this way, that the man who got tuberculosis last Christmas has a rebuttable presumption in his favor that it is due to his World War service, but the man who got it last New Year's Day has no such presumption.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. NORRIS. The Senator's objection would apply to any arbitrary date.

Mr. REED. Yes; it would.

Mr. NORRIS. So that even if we leave the law as it is, the same comparison could be used as to 1925 that the Senator uses as to 1930.

Mr. REED. Surely.

Mr. NORRIS. That weakness will apply to any law which has in it an arbitrary date.

Mr. REED. Exactly; and what I am coming to is the suggestion of a solution which will have in it no arbitrary date, but

will take care of all according to their misfortune, and not according to the fortuitous fact of the date when the first symptoms appeared.

Mr. GEORGE. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. GEORGE. The Senator raises an objection—which, of course, is an objection which exists to the bill—to wit, that all disability cases are not cared for. As the spokesman of the administration, is the Senator willing to go to a pension basis at this time?

Mr. REED. I am, Mr. President, although I am not the spokesman of the administration.

Mr. GEORGE. Will the President approve a pension bill for all disabled veterans?

Mr. REED. I should hope that he would.

Mr. GEORGE. I think the Senator ought to deal candidly with the Senate.

Mr. REED. I will be candid with the Senate. I am not authorized to say whether the President would or would not, but I should expect him to.

If I may be permitted to go on for a moment, the bill tries to reach these unfortunate men first by extending the period of presumption, and, as the Senator from California has correctly said, would give them the benefit of only a rebuttable presumption during the latter part of that period. Then it tries to reach some more of them by introducing a number of new diseases, which, if occurring within that period, will be presumed to have resulted from war service.

Let me show to the Senate what some of those diseases are. They are incorporated in the bill by reference to the rating schedule of the Veterans' Bureau, and, as will be seen at pages 16 and 17, these diseases which are within the presumption are mentioned in the terms of the old law, plus the phrase "leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925."

We turn to that schedule of ratings, and we find on page 75 that the constitutional diseases which will have the benefit of this presumption are acidosis; anæmia primary (all types); arteriosclerosis; beriberi; diabetes insipidus; diabetes mellitus; gout; hæmochromatosis—I hope no one will ask me what that is—hæmoglobinuria (paroxysmal); hæmophilia—that is what is making trouble with some of the royal families in Europe; it is inherited through the female side of the family—I have some difficulty in ascribing that to World War service; Hodgkins' disease; all types of leukemia; obesity; ochronosis; pellagra; and then a lot more, including rickets, and scurvy, and leprosy, and carcinoma, and arthritis, valvulitis, and myocarditis.

The result of the bill, as it stands, would be that if obesity developed last Christmas time, there is a presumption that that was due to service in the World War, although the service in the World War may have been like that of my doctor friend, two days in his home town before the armistice came. Obviously one's common sense recoils at that. Immediately we ask whether those absurdities are characteristic of the working out of this bill, and I think they are.

Mr. President, we are told by the Veterans' Bureau that about 100,000 men will benefit from this extension of the list of diseases and the extension of the presumptive period; but 200,000 equally unfortunate men will benefit in no way whatever.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. TYDINGS. I was wondering whether the Director of the Veterans' Bureau had stated definitely his position on the particular clause to which the Senator is now addressing himself?

Mr. REED. Yes, Mr. President; his letter, which was read into the RECORD a little while ago, calls attention to some of these paradoxical results.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. CUTTING. Has the Senator any figures to show how many of the extra hundred thousand cases would be traceable to the diseases so scientifically enumerated by the Senator just now?

Mr. REED. No; I have not. Necessarily, there is a factor of estimate in this; but Director Hines's estimates have been pretty accurate in the past.

Mr. CUTTING. Is not the great majority due to tuberculosis and spinal meningitis, and the diseases in that class?

Mr. REED. Readily granted. I suppose the obesity cases and the gout cases and the rickets cases will be comparatively few.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. REED. I hope the Senator will interrupt only between sentences.

Mr. SHORTRIDGE. I thank the Senator.

Mr. REED. If these things have any use at all, it is to illustrate the absurdity of classifying men in this way. What I would like to do, and what I think the amendment I am trying to propose would accomplish, is to take care of all disabled men, and not single out a few according to the moment when their first symptom was detected, or the particular type of chronic disease they may have.

I am not objecting to the inclusion of these cases at all. I am objecting rather to the exclusion of equally deserving men whose diseases do not happen to be mentioned on page 75 of this particular book.

Now I yield to the Senator from California.

Mr. SHORTRIDGE. I do not wish to consume time by interrupting; but, if, as suggested playfully, obesity incurred last Christmas falls within this presumption, if it is so absurd and so ridiculous as to provoke laughter and derision, that presumption can be very easily overcome, and the claimant will receive no benefit under the presumption.

Mr. REED. What I am trying to do is to call attention to the lack of any sensible rule laid down in the measure. I am not making fun of the chap who contracted obesity last Christmas. If it disables him, I am glad to see him taken care of in his disability; but I do not want him to be singled out as against somebody equally worthy whose disability, according to our common sense, is more likely to have resulted from his war service.

Mr. NORRIS rose.

Mr. REED. I hope I make myself clear on that.

Mr. NORRIS. Mr. President, I think the Senator has made himself perfectly clear, and that is why I ask him to permit me to ask a question.

Mr. REED. Gladly.

Mr. NORRIS. The Senator objects not because these things are in but because some other things are left out.

Mr. REED. That is exactly it.

Mr. NORRIS. The thought occurs to me at once: Why does not the Senator then propose to perfect the measure by offering an amendment to include those left out, and who ought to be put in?

Mr. REED. That is exactly what I proposed to do, but I want first to state my reasons before I offer the amendment. Then it will perhaps be understood.

General Hines has submitted the bill to his medical council, which is made up of the most distinguished physicians in the United States, so far as he is able to get them to give volunteer service to the Veterans' Bureau. They have told him unanimously that it is not a sensible hypothesis to lay down that a disease of any sort—tuberculosis, insanity, or any other sort—may be latent for so long as 12 years and then develop as a result of service in 1917–18.

Mr. CUTTING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Pennsylvania yield to the Senator from New Mexico?

Mr. REED. I yield.

Mr. CUTTING. Does not the Senator know from personal knowledge of many cases in which the Veterans' Bureau has traced disease in exactly that way?

Mr. REED. But it has not been latent all that time. There have been symptoms appearing long before 12 years have elapsed.

Mr. CUTTING. I think the Senator is in error, if I may say so. I think I can show him cases of that sort.

Mr. REED. These doctors say to the contrary. I am not medical expert enough to pass judgment upon it.

If I have made myself clear on that point, the bill as it stands is unfair to the men who are disabled from other diseases than those mentioned here. The bill is unfair to those whose disability first appears after the deadline of January 1 last. Those men are equally deserving with the men who come within the terms of the bill. The 200,000 who get nothing by the legislation are just as deserving as the 100,000 men who get something, and that is a flaw in the bill which we ought to cure if we can.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. GEORGE. I again ask the Senator to give his attention to a pension bill.

Mr. REED. I want to propose a pension system; and if the Senator will let me talk, I am going to do it.

Mr. GEORGE. I did not know the Senator was going to propose it.

Mr. REED. Yes; I am going to propose it.

Mr. GEORGE. It was before the committee and it was then evidently not acceptable to the administration.

Mr. REED. If the Senator will permit me, I would like to say a few words for myself. I am not spokesman for the administration. It will have to find some other spokesman than me. I am trying to show the Senate what I conceive to be the faults in the bill and trying to show how they can be avoided and how a fairer thing can be done.

Let me come to another clause with which I want to find fault. If Senators will look at pages 26 and 27 of the bill which we are now considering, beginning in line 22, page 26, it will be seen that where a World War veteran is hospitalized he is given a spending-money allowance and his dependents are given a subsistence allowance. That is where he is hospitalized. There are not enough beds in the veterans' hospitals to begin to take care of the possible World War veterans whose disability is not traceable to service. There are many thousands of them who are in the hospitals, but a great many thousands of them for whom there are no beds available.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REED. Very well.

Mr. BARKLEY. Whose fault is it that there are not enough beds to take care of those who are deserving and who are disabled?

Mr. REED. It is nobody's fault. I tried to explain a few moments ago that we had beds enough to take care of our war disabled, and then, realizing that we had some vacant beds, we provided that in response to that necessity they might be available for men whose disability was not traceable to the war. In that way there have grown up two classes of patients. Some hospitals have more of the non-service-connected patients than they have of the service-connected cases. But no one can say it is our fault because we have not built a hospital or hospitals to take care of every one of the 4,500,000 veterans who may get ill now.

Mr. BARKLEY. But the mere fact that we are taking care of some disabled veterans who are not service connected as to their disability in itself operates unfairly toward others who are in the same situation, but who can not secure accommodation because of a lack of beds. Under any sort of hypothesis we are bound to have some injustices as between the one class and the other class.

Mr. REED. Exactly; and what I say is that the bill accentuates the injustice instead of breaking it up. Let me explain why. We have some of the non-service-connected cases in the hospitals to-day. They have that advantage over their comrades equally disabled who are not lucky enough to find vacant beds. The bill gives an allowance to those men in the hospitals and a dependency allowance to their relatives while they are there, but it gives absolutely nothing to their unfortunate comrades who can not find a vacant bed into which they can get themselves. The man in the hospital to-day is getting better treatment, of course, than the man outside. He was lucky enough to find a vacant bed. We propose by the terms of the bill to increase the disparity between the two of them by giving an allowance to the lucky class, where we give nothing to the unlucky ones.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. I yield.

Mr. CARAWAY. Does the Senator find himself able to state whether the amendment which he proposes to offer will cost more or less than the pending bill?

Mr. REED. It would cost less in the first year. Ultimately I think it would cost pretty nearly as much; as the disabilities increase it will, and it takes care of three times as many men.

Mr. CARAWAY. The amendment the Senator proposes will take care of every disabled veteran, whether the disability arises from service or occurred subsequently?

Mr. REED. Yes.

Mr. CARAWAY. Sometimes in the form of temporary disability and sometimes as a permanent disability?

Mr. REED. Yes.

Mr. BARKLEY. The maximum allowance under the Senator's amendment for total permanent disability for a World War veteran is $40.

Mr. REED. That is right.

Mr. BARKLEY. And it runs all the way down to $12.50?

Mr. REED. That is right.

Mr. BARKLEY. Speaking of the comparative justice and injustice, and assuming that January 1, 1925, is the deadline of the date of presumption, how does the Senator justify allowing only $40 a month for a totally disabled veteran who became totally disabled in January, 1925, as compared with the soldier similarly situated but whose total disability began in December, 1924? The bill provides $100 a month to the man disabled prior to that date, while the man disabled in January, 1925, is to draw only $40 a month for total disability.

Mr. REED. I can only justify it in this way, that at the present time the first man gets nothing and the second man gets full compensation. The amendment would diminish the disparity between them which to-day is as wide as the distance between the poles.

Mr. BARKLEY. While it is true that the second man under the law gets nothing, under the bill as reported by the Senate Committee on Finance he would share the same as the first man mentioned by me by getting the same amount.

Mr. REED. Absolutely; and the man who had some other disease, but who was equally disabled, would get nothing, so under the bill the disparity continues.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. I yield.

Mr. CARAWAY. The bill undertakes by presumption to give a great many veterans, who have the right if they are not barred by the statute of limitations, permission to bring their suits. Does the Senator's amendment take care of that?

Mr. REED. I am sorry, but I was unable to hear the Senator because of confusion in the Chamber.

Mr. CARAWAY. The pending bill undertakes to extend the time in which a veteran may bring his suit upon a cause of action which is now barred by reason of the fact that he did not bring it within the then statute of limitations. Does the Senator's amendment take care of those cases?

Mr. REED. The amendment would not affect that matter. The right to sue would remain as it is in the bill as reported by the committee.

Mr. CARAWAY. May I ask the Senator if he does not think it ought to take care of that matter? Ought the Government of the United States ever to be in a position——

Mr. REED. The Senator has not understood me. The amendment as I shall present it does not change the present bill in that respect. I do not propose to amend that part of the bill which allows the extension.

Mr. CARAWAY. I understand; but I was merely asking the Senator if he did not think his amendment ought to take care of that matter.

Mr. ROBINSON of Arkansas. The amendment of the Senator from Pennsylvania leaves that exactly as it is in the bill.

Mr. CARAWAY. Oh, I see!

Mr. REED. The Senator has not understood me.

Mr. CARAWAY. No; I did not.

Mr. REED. The bill extends the statute of limitations, anyway.

Mr. CARAWAY. The Senator's amendment which has heretofore been proposed does not strike out that provision?

Mr. REED. It does not. I think the Government is entitled to protection by some statute of limitation, but there again I believe we ought to be liberal, and I do not propose to change the action of the committee in extending the statute.

Mr. BARKLEY. Mr. President——

Mr. REED. Will not the Senator yield to me that I may use some of my own time?

Mr. BARKLEY. I do not want to anticipate the Senator's amendment, but we have just passed a bill granting total disability pensions to Spanish War veterans of $60 a month. How does the Senator arrive at his $40 for totally and permanently disabled World War veterans as compared with the pensions granted to Spanish-American War veterans?

Mr. REED. I was coming to that a little later, but I might as well answer it now. The Spanish War veterans had to wait 22 years before they got the scale of benefit which, under the amendment which I shall offer, would come to the World War veterans after 12 years. The Spanish War veterans' allowance was increased, and properly so, I think, in 1926, and again this year. That is all right; but it is 32 years since those men had their service. They are very much older. Their earning power is less. They are more and more disabled by the passage of time and by old age. That is not true of the World War veterans.

Mr. BARKLEY. The Senator then believes because the Government was tardy in its recognition of the merits of the Spanish-American War veterans it ought to be equally tardy in recognizing the merits of the World War veterans? I grant that the Government of the United States was unnecessarily and unjustly tardy in recognizing the merits of the total disability claims of the Spanish-American War soldier, but I do not accept that as a reason why we ought to treat the World War veterans in the same way. If a World War veteran is

totally disabled, he is entitled to just as much consideration as any other soldier who is totally disabled. In view of the fact that to-day the expense of sustenance is much more than it was during the first 20 years of the life of the Spanish War veterans after that war in which they participated, I can not see the justice in that proposal.

Mr. REED. All right, Mr. President, I will answer that. The act of 1920 fixed a maximum allowance for Spanish War disabled veterans at $30 a month, and at the time that act was passed the cost of living was higher in the United States than it has ever been before or since. The amendment which I have handed to the Senator, and which he has read, will allow a maximum of $40 a month at a time when the cost of living has come down to about one-half of what it was when the Spanish War veterans' act was passed.

Mr. DILL. Mr. President——

Mr. REED. Please let me proceed with my statement. I have hardly had a chance to utter more than a sentence in my own time for the last 15 minutes.

Mr. DILL. I want to ask the Senator a question.

Mr. REED. Very well; I yield.

Mr. DILL. I want to ask whether the purpose of his amendment to the bill is to make it possible to cut the income tax 1 per cent next year or whether he is really trying to do justice to these men?

Mr. REED. I have just as much interest in the World War veterans as any Member of this body. I served with him in time of war and I saw how faithfully and loyally and ably he served. Of course, if we are going to do our duty by the country which we represent we have also got to keep in mind the question of cost, but if the bill as reported to the Senate is passed I can assure the Senator that there is not only no chance of having continued that reduction which was put into effect last spring, but the income-tax rates of the United States must necessarily be increased when we meet next December. That is worth thinking about.

If it is the payment of a debt we owe, all well and good; let the rate be increased wherever it is necessary. However, when it is a question of taking care of a group of our citizens for disabilities that have nothing to do with their war service, but merely out of recognition of their former loyalty at a time when their service was needed, then I say that we have got to look at both sides.

Mr. DILL. We are all agreed as to that, but I raised the question because of the argument that it will necessitate the abandonment of the 1 per cent income-tax reduction.

Mr. REED. I have not mentioned the 1 per cent income-tax reduction.

Mr. DILL. The query I had in mind was whether such an argument is worthy of consideration in comparison to taking care of the boys who were disabled; and I was wondering whether the Senator was arguing on the basis of saving this 1 per cent income-tax reduction or whether he was arguing on the basis that his proposal will more nearly do justice to the veterans.

Mr. REED. The Senator could not have been present while I have been talking, because I have not mentioned until this minute the cost of this bill.

Mr. LA FOLLETTE. Mr. President, is the Senator willing to say upon whose estimate the statement he just made concerning the necessity of increased income taxes was based?

Mr. REED. What I said was made on the basis of a statement to me yesterday by Mr. Ogden Mills, Undersecretary of the Treasury.

Mr. TYDINGS. Mr. President, will the Senator yield? I do not want to take the Senator's time.

Mr. REED. I yield.

Mr. TYDINGS. Are the amendments which the Senator proposes to offer in line with the resolutions adopted by the American Legion in their national convention?

Mr. REED. I think they are, Mr. President. I do not propose to offer the American Legion bill, because I think its great fault is that it only takes care of some of the men. What I think ought to be done is to cease to exaggerate the presumptions, which already have reached the limits of common sense. Let us not try to get in new men by stretching the presumptions so as to cover more men, but let us frankly disregard those presumptions and require just one test, and that is disability in a veteran. In that way, we will work out a more impartial system; we will work out a plan that is fairer to everybody, and instead of taking care of one-third of those now disabled we will take care of all of them, to the best of our ability.

Mr. BLACK. Mr. President——

Mr. TYDINGS. Mr. President, will the Senator yield for just one more observation?

Mr. REED. I yield first to the Senator from Maryland.

Mr. TYDINGS. As I understand, the bill, in its present shape, as reported by the Finance Committee, is not in line with the recommendations of the American Legion nor with the views of the officers who now head that organization?

Mr. REED. Absolute'y not.

Mr. GEORGE. Mr. President, I am not willing to let that statement go unchallenged.

Mr. REED. Please let me answer the question before another one is asked. I do not yield for the next two minutes. Answering the Senator from Maryland, the representatives of the American Legion, as I understand, came before the committee and offered an amendment which bore no resemblance to that which the committee put in the bill. They did not ask that the presumption be extended to 1930; they did not ask that the disparities that I have been mentioning be put into the law. They are supporting the bill now because they want something; and they say that anything is better than nothing; and, of course, that is so; but they never suggested what the committee has reported.

Coming back to the matter of cost, the American Legion's position is very well shown by a letter from the national commander sent last month to Representative BOLTON, in which he says:

> I am very much concerned about the situation as it stands to-day. It is my sincere hope that the Senate committee will see fit to so prepare this legislation as to make it acceptable to all parties concerned. We need veteran legislation at this time. If we can not get all to which we believe the veterans are entitled, then I am practical enough to be willing to accept that which can be secured, so that these men shall receive at least a partial settlement of that to which their service entitles them.
>
> I believe that the inclosed statement—
>
> Referring to a copy of his statement to the Associated Press—
>
> will indicate to you that the Legion, as I see it, is not interested in raiding the Federal Treasury, just because of favorable public opinion.

After that letter was written, the Legion submitted an amendment to the Finance Committee that called for an increase in expenditure of about $35,000,000 per year.

Mr. SMOOT. About $30,000,000 a year.

Mr. REED. Well, between $30,000,000 and $35,000,000—something less than would be called for by the amendment that I am now proposing. My amendment calls for more than the Legion asked, but the Senate Finance Committee paid no attention, apparently, to the request of the American Legion, and reported out an amendment which, according to General Hines's testimony before the committee, will cost $102,000,000 next year, and will only take care of one-third of the men who ought to be taken care of.

Mr. BARKLEY and Mr. BLACK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Kentucky.

Mr. BLACK. I have been trying to get the Senator to yield for some time.

Mr. BARKLEY. I wish to state to the Senator that on last Friday night in the city of Lexington, Ky., Mr. O. L. Bodenhamer, national commander of the American Legion, made a statement in which he urged the passage of the bill as reported by the Senate committee.

Mr. REED. There is no doubt about that, and so is Mr. John Thomas Taylor urging it at this minute.

Mr. BLACK. Mr. President——

Mr. REED. I yield to the Senator from Alabama.

Mr. BLACK. As to the statement of the Senator that he proposes the amendment to take care of more men and do it at less expense to the Government, how is that to be accomplished?

Mr. REED. The amendment which I am about to offer proposes a disability allowance—or one can call it a pension, if he pleases—to every disabled man who can not establish service connection. If he can show service connection, he is taken care of under the present law; but there are about 300,000 of them who can not do so. The amendment which I intend to offer will cost, I am told, about $35,000,000 next year in additional expense, and about $55,000,000 the year after, and the cost will go on increasing until it reaches $80,000,000 in 1935, and probably it will increase after that.

Mr. BLACK. I should like to ask the Senator a further question, as I desire to get his amendment clear in my mind. I presume, then, if the Senator's amendment will take care of more men at a smaller expense to the Government, that the individual allowance to the men will be much smaller than the allowance under the Senate committee bill? Otherwise a saving would not be effectuated.

Mr. REED. It is pretty difficult to say whether the allowance will be larger or smaller. The Senate committee bill gives a maximum of $40 per month to a man who has a wife and a child, plus an allowance, I think, of $8 for spending money, if the veteran gets in the hospital with a non-service-connected case. That same veteran, assuming him to be permanently disabled, would get $40 under the amendment I propose, but so would his comrade who could not get in the hospital.

Mr. BLACK. What I can not understand is how it would be possible for a substitute or amendment to involve less expense to the Government and at the same time pay more men compensation.

Mr. REED. Oh, I can explain that easily. The non-service-connected cases would be treated better under my amendment than under the Senate committee bill. The first cost under the amendment would be less, because it does not extend the presumptions and create a great new group of service-connected cases. That is where the saving would come in. Upon the other hand, there would be an increased allowance to the service-connected cases.

Mr. BLACK. Then, as I understand, it would not be exactly accurate, would it, to say that more ex-soldiers would be benefited by the Senator's substitute than would be benefited by the Senate committee bill?

Mr. REED. Oh, yes; that would be quite true. The Veterans' Bureau tells me that 300,000 men would receive the benefit of this general disability allowance amendment.

Mr. BLACK. And how many under the Senate committee bill?

Mr. REED. About 100,000.

Mr. BLACK. Then it necessarily follows that if the soldiers under the Senator's amendment would receive as much, and there are 300,000 of them, it would cost the Government a great deal more to adopt the Senator's amendment than it would to pass the Senate committee bill.

Mr. REED. No; because the Senate committee bill takes a lot of these cases and transfers them over into a group of service-connected cases. It picks out a privileged few and says, "You are presumed to have suffered from your service."

Mr. BLACK. I understand that, but assuming that there are a hundred thousand of them, and that there are 300,000 who would receive benefits under the Senator's amendment——

Mr. REED. That is right.

Mr. BLACK. And they receive the same amount under each measure, it necessarily follows that it will be more expensive to give $40 a month, say, to 300,000 than it will be to give $40 a month to a hundred thousand.

Mr. REED. Of course, that is so; but what I am trying to explain to the Senator is that the Senate committee bill takes a preferred group of those 300,000 and puts them into the class of service-connected cases, and gives them very much higher compensation than my amendment would give them.

Mr. WALSH of Massachusetts. Under the Senate committee bill the compensation would go as high as $100.

Mr. REED. Yes; plus the dependency allowance.

Mr. WALSH of Massachusetts. The maximum under the Senate bill is $100, while the maximum in the amendment of the Senator from Pennsylvania is $40.

Mr. BLACK. That makes it clear. The difference comes in that the individuals receiving the compensation would receive on an average a greater amount under the Senate committee bill than they would under the Senator's amendment.

Mr. REED. That is right.

Mr. President, the trouble is that the presumptions allowed and the diseases specified in order to bring about the result seem to me to be repugnant to one's common sense. Including such preposterous cases as gout and obesity among the preferred diseases illustrates, I think, the unsoundness of the distinction.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. HEBERT in the chair). Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. Certainly.

Mr. CARAWAY. How does the Senator justify giving a man $40 a month for a disability of precisely the same character for which somebody else who benefits under the presumption of 1925 gets $100?

Mr. REED. Because the latter class have been said by Congress to owe their disability to their war service.

Mr. CARAWAY. I understand that, but——

Mr. REED. Let me finish, please. The first class acquire their disabilities as do any other citizens. We are not treating the two classes alike, for the origin of their disability is unlike; those in one class suffer from the ordinary ills of humanity, like their fellow citizens, while those in the other class suffer directly, we have said, because of service in defending their country.

Mr. CARAWAY. The Senator did not allow me to finish my question. As to one of them, the presumption arises because the disability could be established prior to 1925, which is an arbitrary presumption.

Mr. REED. Yes.

Mr. CARAWAY. Refusing to extend that arbitrary presumption at once strikes down the other man's right of compensation two and a half times.

Mr. REED. That is right. We have established an arbitrary line, January 1, 1925, at the extreme date to which the doctors said tuberculosis or insanity might by any possibility be due to war service. We have to draw the line somewhere.

Mr. CARAWAY. I heard the Senator say it was purely arbitrary.

Mr. REED. It was, of course.

Mr. CARAWAY. That being true, by act Congress extended the presumption to 1925. Now it is said to be wholly unwarranted to extend it to 1930.

Mr. REED. Yes; because the doctors have told us that 1925 was the date at which we could be sure we were including everybody who owed his disability to war service, as they tell us now that 1930 is a point that is absurd, because no disease will lie latent so long.

Mr. CARAWAY. There is a difference of opinion, then, among the doctors.

Mr. REED. There was not a difference of opinion among the medical council of the Veterans' Bureau.

Mr. CARAWAY. I was not speaking of them.

Mr. REED. Mr. President, I think I have shown the ideas that underlie this amendment. It is an effort to give to the disabled veterans of the World War treatment as good 12 years from the date of that service as the Spanish-American War veterans received after 22 years of waiting. It gives them slightly larger allowances than were then given to the Spanish-American war veterans, although at the time that act was passed we were at a period of the highest cost of commodities and the highest cost of living that the United States has ever known before or since.

The merit of this proposal, if it has any merit, is that it takes care of all disabilities, asks only that the man be truly disabled, and that he rendered honorable service in the war.

I should add one further qualification, which will appear when the amendment shall be read—and I am going to ask that it be done now—and that is that those men who have incomes over the amount of the income-tax exemption shall not get this disability allowance.

Obviously, if an unmarried man has over $1,500 income he is not destitute. If a married man has over $3,500 income he is not destitute. That is the only qualification. Otherwise, it conforms with the disability allowance or pension schemes offered the Spanish War veterans.

I now send the amendment to the desk and ask that it may be read; and I shall move its adoption when amendments from the floor are permitted.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 13, beginning with line 16, strike out through line 23, on page 17, and insert in lieu thereof the following:

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.), be hereby amended by adding at the end thereof the following:

"On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. No disability allowance payable under this paragraph shall commence prior to the date of the passage of this amendatory act or the date of application therefor, and such application shall be in such form as the director may prescribe: *Provided*, That no disability allowance under this paragraph shall be payable to any person not entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for such disability allowance under this paragraph. In any case in which the amount of compensation hereafter payable to any person for permanent disability under the provisions of this act is less than the maximum amount of the disability allowance payable for a corre-

sponding degree of disability under the provisions of this paragraph, then such person may receive such disability allowance in lieu of compensation. Nothing in this paragraph shall be construed to allow the payment to any person of both a disability allowance and compensation during the same period; and all payments made to any person for a period covered by a new or increased award of disability allowance or compensation shall be deducted from the amount payable under such new or increased award. As used in Titles I and V of the World War veterans' act, 1924, as amended, the term 'compensation' shall be deemed to include the term 'disability allowance' as used in this paragraph.

"The Secretary of the Treasury is hereby directed, upon the request of the director, to transmit to the director a certificate stating whether the veteran who is applying for a disability allowance under this paragraph was entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for the disability allowance, and such certificate shall be conclusive evidence of the facts stated therein."

On page 25, beginning with line 23, strike out through line 2 on page 26, and on page 26, beginning with line 22, strike out through line 14, on page 27, and on page 28, beginning with line 4, strike out through line 12.

Mr. SHORTRIDGE obtained the floor.

Mr. GEORGE. Mr. President, may I ask the Senator from Pennsylvania one other question before he takes his seat?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. SHORTRIDGE. Yes; I yield to the Senator.

Mr. GEORGE. For a 25 per cent disability, under the amendment offered by the Senator from Pennsylvania, the veteran is to receive what amount?

Mr. REED. For 25 per cent disability, $12 a month.

Mr. GEORGE. That, of course, is for permanent disability?

Mr. REED. Yes.

Mr. GEORGE. For 50 per cent disability, how much?

Mr. REED. Eighteen dollars; for 75 per cent disability, $24; and for total disability, $40.

Mr. GEORGE. Now, let me ask the Senator if he does not agree that a 50 per cent permanent disability, under modern conditions, practically eliminates a man from the industrial competition of the present time?

Mr. REED. No, Mr. President. If it does, then his disability is 100 per cent.

Mr. GEORGE. Oh, no. He is to be rated 50 per cent disabled according to the Veterans' Bureau system of rating. I ask the Senator, without any reference to that system of rating, whether he does not know that under modern conditions a man 50 per cent permanently disabled is really out of the running in commercial competition?

Mr. REED. No, Mr. President; I know exactly the contrary, and that if he is really out of the running he is rated at 100 per cent. The ratings endeavor to be fair to the veteran.

Mr. GEORGE. Let me make myself understood. Does the Senator know of anybody who is employing men 50 per cent permanently disabled in modern industry?

Mr. REED. Of course I do. The Veterans' Bureau is full of them. Every Government department is full of them. Every large industry has men who are on this disabled list.

Mr. GEORGE. Every large industry is full of men permanently disabled to the extent of 50 per cent?

Mr. REED. No; of course it is not full of them, but it has such men on its list.

Mr. GEORGE. I am afraid the Senator is not informed.

Mr. REED. I feel quite confident I am informed.

Mr. GEORGE. There may be disabled men in the Government service; but I am afraid the Senator does not take into consideration modern conditions, under which a man 50 per cent permanently disabled has just about as much chance to get a job as a man 75 or 80 per cent disabled.

Mr. REED. I do not know what it is like in Georgia, but they are preferred where they are able to do the work at all.

Mr. GEORGE. The Senator knows that some of the railroads of the country have even drawn the age limit at around 60 years of age, although the man may be perfectly able to work, and men of that age can not get employment; and yet the Senator stands here and says that men 50 per cent permanently disabled have jobs open to them in the industries of the country under modern circumstances and conditions

Mr. SHORTRIDGE. Mr. President, if Senators will pardon me——

Mr. GEORGE. I beg the Senator's pardon.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Massachusetts?

Mr. WALSH of Massachusetts. Just one question, if the Senator will yield.

Mr. SHORTRIDGE. Certainly. It is time that concerns me, Mr. President.

Mr. WALSH of Massachusetts. Will the Senator from Pennsylvania tell me just what sections he strikes out?

Mr. REED. Yes, Mr. President. I will present the Senator with a copy of my amendment, showing the sections stricken out.

Mr. McNARY. Mr. President, will the Senator from California yield for a moment in order that I may suggest the absence of a quorum?

Mr. SHORTRIDGE. Very well.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McMaster	Smoot
Ashurst	Gillett	McNary	Steck
Barkley	Glass	Metcalf	Steiwer
Bingham	Glenn	Moses	Stephens
Black	Goldsborough	Norris	Swanson
Blaine	Hale	Oddie	Thomas, Idaho
Borah	Harris	Overman	Thomas, Okla.
Bratton	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Heflin	Reed	Walcott
Copeland	Howell	Robinson, Ark.	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kendrick	Sheppard	Wheeler
Deneen	La Follette	Shipstead	
Dill	McCulloch	Shortridge	
Fess	McKellar	Simmons	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. SHORTRIDGE. I yield.

Mr. JONES. It was understood when the unanimous-consent agreement was made that I would have the privilege of reporting an appropriation bill from the Committee on Appropriations. Pursuant to that, I desire to report back favorably, with amendments, the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and I submit a report (No. 1078) thereon.

Mr. HAYDEN. Mr. President, will the Senator from California yield to me?

Mr. SHORTRIDGE. I yield.

Mr. HAYDEN. I ask leave to file my minority views against the appropriation of $10,660,000 for the Boulder Canyon project carried in the deficiency bill just reported.

There being no objection, the minority views (Rept. No. 1078, pt. 2) were ordered to be printed in the RECORD, as follows:

SECOND DEFICIENCY APPROPRIATION BILL, 1930

[S. Rept. No. 1078, pt. 2, 71st Cong., 2d sess.]

Mr. HAYDEN, from the Committee on Appropriations, submitted the following minority views (to accompany H. R. 12902, the deficiency appropriation bill):

On behalf of the State of Arizona I recommend that the appropriation of $10,660,000 for the commencement of construction on the Boulder Canyon Dam and hydroelectric power plant be stricken from the bill for the following reasons:

1. A solemn promise made in order to secure the passage of the Boulder Canyon project act has not been kept. Congress was repeatedly assured that the city of Los Angeles would be the principal guarantor for the return of the money advanced by the Federal Government for the construction of the Boulder Canyon project. That city has guaranteed nothing.

Something alleged to be "just as good" has been substituted. Its bureau of power and water has made a contract for lease of power privilege, which it is freely confessed can not be enforced against the city of Los Angeles. There is also good reason to justify the opinion that this contract can not be enforced against the bureau. Congress should beware of substitutes and insist that no appropriation of money will be made until the original pledge is redeemed in every detail.

2. The contract for lease of power privilege is made subject to the condition that it shall not go into effect until after Congress makes an appropriation of money to commence construction of Boulder Canyon Dam. There is testimony in the committee hearings to prove that this contract is so drawn that the private power companies in California will gain control of over one-half of the firm energy produced at Boulder Dam and the major portion of the secondary energy.

This requires an immediate decision as to whether it is advisable for Congress to appropriate public money collected from taxpayers throughout the United States to produce cheap electric power which will be distributed at retail to consumers in one section of the country by private agencies for profit. Congress should not make the first appropriation to commence construction of Boulder Dam until this question has been thoroughly considered. Haste should be avoided because Congress has no power to abrogate a contract once made.

3. Section 4 (a) of the Boulder Canyon project act authorizes an agreement or compact among the States of Arizona, California, and Nevada for an equitable division of the waters of the lower basin of the Colorado River. Arizona has in good faith diligently and earnestly endeavored to enter into such a compact. The commissioners representing that State have at no time sought to depart from the expressed intent of Congress with respect to the division of water which the act proposed.

California has consistently and persistently refused to divide the waters of the Colorado River Basin with Arizona. It is the intention of that State to avoid any agreement whatsoever with Arizona respecting an apportionment of water. Through the use of the money and the power of the Federal Government that State hopes to gain control of all the waters of the Colorado River which can possibly be used in California and hold the same by right of prior appropriation.

If the Federal Government will only keep out of this controversy, Arizona has no fear that California can gain any advantage over her. There is not water enough in the Colorado River to completely serve the needs of both States. Water is the chief factor which limits the growth of population and wealth in both Arizona and southern California. Arizona asks to be assured of a fair share of the water in the manner proposed by Congress in the Boulder Canyon project act. Until California is willing to do what Congress has thus indicated should be done no appropriation should be made to commence construction of the Boulder Canyon Dam. Federal funds and Federal influence should not be used to confer benefits on one State to the detriment of another.

Respectfully submitted.

CARL HAYDEN.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House still further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SIMMONS, Mr. HOLADAY, Mr. THATCHER, Mr. CANNON, and Mr. COLLINS were appointed managers on the part of the House at the further conference.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

Mr. SHORTRIDGE. Mr. President, I repeat in effect what I said when this bill was made the unfinished business. This proposed legislation was before the House of Representatives for many weeks, in fact, for months. It came to the Senate, was referred to the Finance Committee, and that committee gave to it careful and, I venture to say, thoughtful consideration. We amended the bill in a great many particulars, and it was reported to the Senate by practically the unanimous vote of the committee.

I have said before, I do not hesitate now to state, that I favored and I favor the bill in the form in which it is before us. Wherefore, it is not necessary for me to add, but I do add, that I am opposed to the amendment offered by the senior Senator from Pennsylvania [Mr. REED].

I beg to advise Senators who are now present that the sum and substance of the amendment offered by the Senator from Pennsylvania was considered, discussed, argued for and against by members of the Finance Committee, and after a thorough consideration of it was rejected by a practically unanimous vote of the committee. It is not a new discovery, it is not born out of the mind of the Senator from Pennsylvania. It was urged before the Finance Committee. But inasmuch as it involved and involves practically a pension system, it was for that and other reasons rejected by the committee.

Mr. President, I rise in perhaps the performance of a duty, since the duty of reporting the bill was cast on me, to call upon the Senate to sustain the bill in its present form. I do that without hesitation, because I believe it to be sound, I believe it to be right, and I go upon the theory in public and in private life that whatever is right is wise.

I believe it is right to all who are to be immediately benefited by it. I believe it is right to the great people of this Nation, and, with respect for mathematicians, or men great in the commercial world, in or out of office, I disagree with, I dispute, I deny the more or less autocratic statement of certain officers that this bill will so burden the Treasury as to cause an increase of taxes.

I deny that it will cause a deficit in the revenues of the Government, and with unfeigned and sincere respect for the Secretary of the Treasury I undertake to say there are men on the Finance Committee and other men in this body who are just as deeply concerned in the income and the outgo of the revenues as he is.

We were not indifferent to the cost of this legislation. We did not, like drunken sailors, report it to this body. We had regard to the great demand made upon the Treasury, but we did not stifle every emotion of the human heart. Nor would I shut the doors of mercy on mankind.

We had regard for the Republic which we are in part representing and striving wisely to serve, and by a consensus of opinion we determined that the bill in the form reported would not cost more than indicated in the committee, namely, seventy-four or possibly seventy-five million dollars per annum. That sum was arrived at after careful calculation.

It is true that subsequent to his appearance before us the director of the bureau has gone into counsel with himself or with others and has modified his views, as he has again and again changed them during the consideration of this and other bills, and now at a late hour he comes forward and says that the minimum cost of this bill will be $102,000,000. I speak in round figures; he, with wonderful genius for figures, now estimates the cost almost to the very cent. In rough figures he now claims it would be $102,553,250.

I want Senators present who have not read the committee's report, or those who have not heard this statement, to hear that in the committee, after long discussion, and good-natured, gentlemanly controversy over the cost of the bill, it was practically admitted by all that the cost would be seventy-four or seventy-five million dollars.

The assistant to General Hines, who sat there advising us with pencil in hand, made calculations based upon suggested amendments, or the condition in which the bill was then, and arrived at the figures seventy-four or seventy-five million dollars.

At this stage in my remarks, and to the end that the country at large may the better understand this proposed legislation, I ask that the report of the committee be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. COUZENS in the chair). Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 885, 71st Cong., 2d sess.]

AN ACT TO AMEND THE WORLD WAR VETERANS' ACT, 1924, AS AMENDED

(Report to accompany H. R. 10381)

The Committee on Finance, to whom was referred the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, having had the same under consideration, report it back to the Senate with certain amendments and recommend that the bill do pass.

Your committee in this report will discuss each provision of the bill as it passed the House of Representatives, and where any change therein has been made the discussion will embrace, first, the provision as it passed the House; second, the provision of the present law, and, third, suggested amendments of your committee, or the reasons for the omission of the House amendment. Such changes will be indicated by reference to the pages and lines in the bill appearing immediately before the explanation of the section in which the change is made.

Page 1, line 11, and page 2, lines 1 to 6:

Section 1 of H. R. 10381 as it passed the House of Representatives amends section 5 of the act by providing that, in making regulations with reference to home treatment for service-connected disabilities, the director shall not discriminate against any veteran solely on the ground that such veteran left a Government hospital against medical advice or without official leave. There is no specific provision in the present law regarding this matter. However, it has been the policy of the Government to afford treatment in Government institutions. To this end millions of dollars have been spent in erecting hospitals. Your committee is not aware that there is any sentiment for a change in this policy. If the Government offers a man hospitalization and he refuses, it would not seem that home treatment should be afforded him. Otherwise, men could leave hospitals at their pleasure and demand home treatment. Your committee therefore has eliminated from section 1 of the bill this amendment, as it is of the opinion that any differences which may have arisen other than as to the existing Government policy can be corrected under the present law by appropriate regulations, and that the enactment of a specific provision regarding the matter would

be a dictation of the methods of procedure, which is a matter of medical administration.

Section 1 of the bill also amends section 5 of the act by directing that regulations relative to evidence shall provide that due regard be given to lay and other evidence not of a medical nature in connection with the adjudication of claims. It is the feeling of the committee that in certain border-line cases a more liberal evaluation of lay testimony would enable the bureau to grant relief under the law. Although under existing law the bureau has the authority to consider such evidence in its proper light, it is felt that this amendment will constitute the express will of Congress regarding such evidence, and will enable the director of the bureau to issue more elastic regulations with regard thereto.

Section 1 of the bill further amends section 5 of the act by providing that where service incurrence or aggravation of a disability has been found by the bureau to exist, and such finding has continued in effect for a period of five years, the finding shall be final, except in cases of fraud participated in by the claimant. The period of limitation is to run from the date that the finding was made, irrespective of whether that period began prior to the passage of the amendatory act. It was felt by your committee that, if a veteran or other claimant has been lulled into a sense of security by reason of having a finding made in his favor stand for a period of five years, that finding in the absence of fraud should remain undisturbed even though subsequent differences of opinion might indicate that administratively a change therein should be effected.

Section 2 of the bill amends section 10 of the act by adding thereto a paragraph authorizing the director to secure such recreational facilities, supplies, and equipment for the use of patients, in hospitals, and for employees at isolated stations, as he may deem necessary, and the appropriations made available for the carrying out of the present provisions of section 10, which relates to the furnishing of medical and hospital treatment, are authorized to be expended for this purpose. The bureau is authorized under existing legislation to provide recreational facilities for patients in hospitals, but has no authority to provide such facilities for employees. Many of the employees are stationed at isolated places, so far removed from facilities provided by municipalities or clubs that it is practically impossible for them to avail themselves thereof. The committee, therefore, believes that the director should be authorized to provide facilities as part of the hospital reservation where they are needed.

Page 4, lines 3 to 14:

Section 2 of H. R. 10381, as it passed the House of Representatives, amends section 10 of the act by authorizing and directing the transfer of the Battle Mountain Sanitarium and the Battle Mountain Sanitarium Reserve from the jurisdiction of the Board of Managers of the National Home for Disabled Volunteer Soldiers to the bureau. It is the opinion of your committee that this amendment is not properly a part of this legislation, as no good reason is seen for singling out this particular institution. There is now pending before your committee another bill which has been passed by the House of Representatives (H. R. 10630), which is a general bill providing for the transfer of all such institutions to the jurisdiction and control of a new bureau to have charge of all matters affecting veterans. It is believed that if the transfer is to be effected it should be by means of a bill such as H. R. 10630, equally applicable to all such institutions.

Page 4, lines 20 and 25, and page 5, line 5:

Section 3 of the bill as it passed the House of Representatives contained three typographical errors in the use of the word "renewal." This has been changed to "renewable."

Section 3 of the bill amends section 16 of the act and authorizes the refund of premiums paid beyond the date of maturity on war risk term insurance. The bureau has always refunded such premiums, but the Comptroller General recently held that the bureau appropriations were not available for such purpose. In view of the fact that no risk attached to the Government for the period covered by these premiums, and that it is the practice of commercial insurance companies under similar circumstances to refund premiums, it is believed that this amendment is proper.

Section 4 of the bill amends section 19 of the act by authorizing the courts, as part of the judgment, to direct the refund of premiums. This amendment, which is in line with the preceding one, merely constitutes legislative approval of a practice carried on by the bureau prior to a recent decision of the Comptroller General.

Section 4 of the bill also amends section 19 of the act by extending the time during which suits on insurance contracts may be instituted one year from the date of the approval of the amendatory act. Under existing law suits may be instituted within six years after the date the right accrued for which the claim is made or prior to May 29, 1929, whichever is the later date. Certain exceptions are made in the statute to protect the interests of minor and incompetent beneficiaries, and the running of the limitation period is suspended for the period elapsing between the filing in the bureau of the claim sued upon, and the denial of said claim by the director. The committee is of the opinion that the further extension of time for filing suit—one year after the passage of this amendatory act—is warranted, in order that no veteran may be deprived of his right to enforce his contract of Government insurance merely because of lapse of time. It was pointed out to the committee by representatives of the ex-service organizations that many men were not familiar with their right to bring suit until after the time limit in the existing law had expired.

Section 4 of the bill also amends section 19 of the act in the following respects:

(1) Authorizes the issuance of subpœnas for witnesses who are required to attend trials and who live at a greater distance than 100 miles from the place where the case is to be tried. This provision is extremely important from the point of view of both the veteran and the Government, as under existing law it is necessary that the testimony of such witnesses be taken by depositions, which is highly unsatisfactory.

(2) Authorizes the payment of regular travel and subsistence allowances to attorneys of the bureau when assigned to assist at the trials of cases, and to employees of the bureau when ordered in writing by the director to appear as witnesses.

(3) Authorizes the director to order part-time and fee-basis employees of the bureau to appear as witnesses in suits against the Government under this section and to pay them in his discretion a fee in an amount not to exceed $20 a day.

(4) Authorizes official leave for bureau employees subpœnaed to attend trials as witnesses for veteran plaintiffs in suits under this section. At the present time these employees are required in answering subpœnas to take their time on annual leave. This is a hardship of which the committee believes they should be relieved.

(5) A paragraph is added to define the meaning of the term "claim" and the term "disagreement" as used therein. It has for its purpose the establishment of a definite rule that before suit is brought a claimant must make a claim for insurance and prosecute his case on appeal through the appellate agencies of the bureau before he shall have the right to enter suit. Your committee felt that in view of the fact that the Government has set up in the bureau expensive machinery for hearing claims it was unfair for a veteran to disregard this machinery on the basis of the disallowance of his claim by some subordinate board and enter suit.

(6) A savings clause was added at the end to protect the suits already brought, from adverse effect by any amendment included in this section.

Page 9, lines 14 to 18:

Your committee has eliminated from the provisions of section 4 of H. R. 10381, as it passed the House of Representatives, that part which refers to the individual claim of Hal R. Johnson XC–423904, since that amendment deals specifically with the adjusted-service certificate of the deceased veteran and is not believed to be properly a part of this general legislation. However, for the information of the Senate, under a recent ruling of the Comptroller General the claim can now be paid without amendatory legislation.

Section 5 of the bill adds a subdivision to section 21 to place authority in the director to pay compensation to the person having custody and control of an incompetent or minor beneficiary during the time compensation payments to a guardian may be suspended or withheld under section 21 of the statute as it now stands. At the present time, when the director suspends payments to a guardian, there is no authority to pay any compensation unless the veteran is in a hospital, in which case all or any part of the compensation may be apportioned to his dependents, if any, and also to the medical officer in charge of the hospital for the benefit of the veteran himself under authority of section 202, subdivision (7). Section 23 of the war risk insurance act contained a provision similar to the one proposed by this bill, but it was eliminated by the act of June 7, 1924, apparently upon the assumption that these cases would be taken care of by section 202 (7). It has developed, however, that the provision of section 202 (7) is not adequate.

This section also authorizes the reestablishment of the fund known as "fund due incompetent beneficiaries," which was established under section 23 of the war risk insurance act and into which the bureau has always paid to the credit of an incompetent beneficiary any part of the fund not paid to the chief officer of the institution in which he is an inmate, or apportioned to his dependents under the provisions of section 202 (7). The Comptroller General has ruled, however, that subsequent to June 7, 1924, no legal authority existed for this fund and although he has permitted it to be continued until June 30, 1930, it will be necessary to amend the law to provide therefor subsequent to that date.

This section also provides that in case the incompetent veteran recovers and is found competent, the balance remaining in the fund may be paid to him, or, if he does not recover, to his guardian, or in the event of his death to his personal representative. In case, however, escheat would result upon death of the veteran, it is provided that the escheat shall be to the United States, as will also be the case with any funds derived from compensation or insurance that are in the hands of a guardian, curator, conservator, or other fiduciary at the time of the veteran's death.

Section 6 of the bill proposes to amend section 28 of the World War veterans' act, as amended, to provide that said section, as amended, shall be deemed to be in effect as of June 7, 1924. Section 28 of the

World War veterans' act, as amended, authorizes the waiver of recovery of payments from any person who in the judgment of the director is without fault on his part, and where in the judgment of the director such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience, and further provides that no disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section. The last-mentioned provision relieving the disbursing officers from liability was inserted in the statute at the second session of the Seventieth Congress on recommendation of the Director of the United States Veterans' Bureau, it having been shown that the Comptroller General of the United States had held that although recovery might be waived so far as the payee was concerned the disbursing officer was nevertheless liable under his bond for any erroneous disbursement. Although the committee believed that the language was sufficiently clear and unambiguous to express the intention of Congress that these disbursing officers should no longer be liable for amounts, the recovery of which had been waived prior to the amendments, as well as those which might be waived subsequent thereto, the Comptroller General has ruled that there is no authority to apply this amendment retroactively so as to relieve disbursing officers for disallowances set up against their accounts prior to May 29, 1928. This amendment specifically declaring that section 28, as amended, shall be deemed to be in effect as of June 7, 1924, is therefore now included at the request of the director of the bureau.

Page 12, lines 3 to 11:

Section 7 of H. R. 10381 as it passed the House of Representatives has been reallocated as section 8 of this bill, and will be explained under that caption. Section 7 of the bill contains new matter proposed by your committee and provides an amendment to section 30 to enable the director of the bureau, under such rules and regulations as he may prescribe, to permit the representatives of ex-service organizations mentioned in section 500 to inspect bureau records. As the members are aware, the provisions in the existing law makes confidential the records of bureau claimants, except in certain instances which are specified in the law. Section 500 of the act, however, authorizes the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans of the World War, the Veterans of Foreign Wars, and such other organizations as shall be approved by the director to represent claimants before the bureau, and to be recognized by the bureau in connection with this work. To effectively carry out this responsibility it is believed to be essential that representatives of these organizations be permitted to inspect the bureau records under appropriate regulations, with the understanding, of course, that the information thereby obtained will be kept absolutely confidential and be used only in presenting claims before the bureau.

Section 8 of the bill (p. 12, lines 12 to 20) is the same as section 7 of H. R. 10381 as it passed the House of Representatives. This section provides that checks properly issued to beneficiaries which are undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished or until three full fiscal years have elapsed after the end of the fiscal year in which issued. At the present time these checks are forwarded to the General Accounting Office when they are undelivered and more than three months old. This is in accordance with the established regulations of the Comptroller General. It is believed that this amendment will facilitate the delivery of these checks, as the work of the bureau is now unduly complicated under existing procedure, especially in the supervision of awards to fiduciaries for minors and incompetent beneficiaries. In such cases when the checks are remailed by the General Accounting Office, the bureau receives no notice thereof, unless certification is made to the payee other than the one in whose favor the checks were originally drawn. It will readily be seen therefore, that fiduciaries may receive payments of which the bureau will have no knowledge and will therefore be unable to require a proper accounting as contemplated by section 21 of the World War veterans' act, as amended.

Page 12, line 21 to line 4 on page 13:

Section 8 of H. R. 10381 as it passed the House has been eliminated. This section provided that the director of the bureau would be authorized to purchase uniforms for all personnel employed as watchmen, elevator operators, and elevator starters in the Arlington Building, Washington, D. C. It is the opinion of your committee that such legislation is inadvisable unless and until provision is also made for the uniforming of all personnel serving in like capacities in the various Government departments. Accordingly your committee has not included this provision in the bill herewith submitted.

Section 9 adds a section, to be known as section 38, to enable the Secretary of War to accumulate in the city of Washington all medical and service records now scattered throughout the United States in many Army stations. The records are with particular regard to veterans of the World War and are of inestimable value in enabling both the veterans and the Veterans' Bureau to determine if certain allegations made in connection with claims for compensation can be supported by the records, thus eliminating delay and the necessity for much affidavit evidence which must now be furnished in lieu of such records. This section was shown as section 9 in H. R. 10381 as it passed the House of Representatives.

Page 13, line 16, through line 23, page 17 (p. 14, line 13, to line 3, p. 15; p. 15, line 17, to line 10, p. 16; p. 16, line 14; p. 16, line 25; p. 17, lines 5 to 7, inclusive).

Section 10 of the bill as it passed the House of Representatives amended section 200 of the act in the following particulars:

1. By providing that compensation should not be denied any applicant therefor by reason of injury, disease, aggravation, or recurrence having been caused by the soldier's own willful misconduct.

2. By providing a presumption of service incurrence or aggravation for disabilities becoming manifest to a 10 per cent degree in accordance with the schedule of disability ratings before January 1, 1930.

3. By providing that the presumptions created shall be conclusive in cases of tuberculosis, paralysis, paresis, blindness, those permanently helpless or permanently bedridden, spinal meningitis, neuropsychiatric disease, paralysis agitans, encephalitis lethargica, a chronic constitutional disease or analogous disease, particularly all diseases enumerated on page 75 of the schedule of disability ratings, or amœbic dysentery.

4. By providing that where service connection is granted solely on the basis of a new presumption of the amendatory act that no compensation should be paid for any period prior to the approval of the act, nor for more than three years after such approval, pending a further study of veterans' relief by the Congress.

5. By providing that nothing contained in the section should be construed to apply to an ex-service man who enlisted or entered the military service subsequently to November 11, 1918.

Under existing law the provision with reference to misconduct is that no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by the veteran's own willful misconduct. It is provided, however, that no person suffering from paralysis, paresis, or blindness, nor any person helpless or bedridden as a result of any disability shall be denied compensation by reason of willful misconduct. The present law also provides a presumption of service origin or aggravation for an ex-service man who is shown to have, or if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the rating schedule of the bureau. This presumption is rebuttable, except in the cases of active tuberculosis disease and spinal meningitis.

Your committee is of the opinion that the language used in H. R. 10381 with reference to misconduct diseases was too broad and would authorize the payment of compensation for self-inflicted wounds. In addition to those cases now covered by the act, this amendment provides that compensation shall not be denied those who incurred a venereal infection prior to discharge from the service during the World War.

Your committee has also changed the phraseology of the first sentence following the misconduct provision as it exists in the present law to clarify the remainder of the section. The word "act" was substituted for the word "section" in the amendment to the World War veterans' act dated July 2, 1926, in order to enable veterans to reinstate insurance under section 304 of the act, and show for that purpose that the disease from which they were suffering at the time of attempted reinstatement was of service origin. It was not intended by the change to enable a veteran in a suit on Government insurance to establish for the purposes of the suit that the disability on account of which the same was based was of service origin. Your committee has been informed that certain courts have so construed this section as it reads in the present law. In order to clarify the matter and show clearly the original intent of the Congress, your committee has therefore changed the word "act" to "section and section 304 of this act," on page 15, lines 2 and 3.

Your committee felt that the amendment adopted by the House with reference to presumption of service origin or aggravation was too broad, and that it should be modified so as to presume service origin only in those cases where the ex-service man is shown to have, or, if deceased, to have had prior to January 1, 1930, neuropsychiatric disease, leprosy, spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, a chronic constitutional disease or analogous disease, particularly all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery, developing a 10 per cent degree of disability or more in accordance with the bureau rating schedule.

The restrictions with reference to retroactive payments, the continuance of payments for only three years, and the requirement that the ex-service man must have enlisted or entered the military or naval service prior to November 12, 1918, have been retained.

Page 18, lines 7 to 9:

Section 11 of the bill as it passed the House of Representatives did not contain any provision changing existing law regarding dependency allowance for fathers and mothers of deceased veterans. Your committee felt that an amendment to subdivision (f) should be adopted which would provide that where death compensation is payable to a

widow and children and there is a dependent mother and father, the total amount payable to the dependent mother and father should not be less than $20 per month. This amendment is made necessary because the present law provides that while the rate payable for a dependent mother or father is $20, or both $30, the amount payable in such cases shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. It is possible under the present law that the dependent mother and father may receive nothing because of the fact that the veteran left a widow and several children.

Section 11 of the bill amends section 201, subdivision (f) by providing that the status of dependency shall be determined annually as of the anniversary date of the approval of the award. Subdivision (f) now provides that the status of dependency of a father or mother of a deceased veteran who is receiving dependency compensation, shall be determined as of the first day of each year. The administrative burden placed upon the bureau through the necessity of reviewing all of these cases as of the 1st day of January in each year is so great that the director has recommended that the language be changed to permit the annual review as of the anniversary date of the award. This will spread the reviews throughout the entire year, and not only relieve the burden upon the bureau, but also that upon the dependent parents, especially in those cases where the first award is made toward the end of one calendar year, only to be reviewed, with the submission of such proof as may be required, as of the first of the next calendar year.

Section 11 of the bill also amends section 201, subdivision (1) of the act by authorizing the payment of burial and funeral expenses, and in addition thereto the actual and necessary cost of transportation of the body of the person, including preparation of the body, to the place of burial within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual necessary cost of transportation of an attendant, where a person dies in a national military home, and authorizes the furnishing of a flag to drape the casket of every deceased veteran of any war.

Section 12 amends subdivisions (3) and (5) of section 202 of the act by providing compensation of $25 per month, independent of any other compensation that may be payable under the World War veterans' act, 1924, as amended, to any person who suffered the loss of the use of a creative organ or one foot or one hand or both feet or both hands in the active service in line of duty between April 6, 1917, and November 11, 1918, except if the veteran served with the United States military forces in Russia, in which event the time is extended to April 1, 1920. This section also removes the necessity for showing the constant need of a nurse or attendant where claim for a nurse or attendant allowance is made. Your committee felt that these men who suffered a disability in line of duty during the period of actual warfare are entitled to this additional amount. The purpose of the amendment with reference to nurse or attendant allowance is to overcome the bureau interpretation as applied to the provision in existing law. Under the regulations it is necessary that the claimant be "continuously" as well as "constantly" in need of such service; whereas, as a matter of fact, there are many cases in which the ill claimant for all practical purposes needs the services of either a nurse or attendant to enable him to carry out the medical regimen prescribed for the malady from which he is suffering, and yet it can not be legally held that he needs such assistance "constantly."

Section 13 of the bill amends subdivision (7) of section 202 of the act to provide that in any case where the estate of an insane veteran who has no dependents equals or exceeds $3,000, further payment of compensation shall be suspended until the estate is reduced below that amount, in which event payment will again be resumed up to $3,000. The purpose of this amendment is to avoid the building up of large estates for these insane veterans who have no dependent relatives and whose estates will otherwise escheat. The interest of the veteran is fully protected for the reason that in the event he recovers his competency the amount suspended will be paid to him.

Page 25, lines 6 to 18:

Section 13 of H. R. 10381, as it passed the House of Representatives, also provided that the statutory award of $50 per month should be granted for arrested or cured tuberculosis of service origin whether or not a condition of active tuberculosis was shown to exist either during service or prior to the time limit specified for connecting tuberculosis disabilities with service by presumption. The existing law as interpreted by the Comptroller General requires that the statutory award can be paid only when the veteran is able to show that either during service or within the time limit required for presumptive service connection active tuberculosis existed.

Your committee eliminated this amendment, as it was informed by the experts of the bureau that in their opinion this amendment could not be justified. It was pointed out that medical statistics show that at least 75 per cent of the entire population has been infected with tuberculosis, but, due to immunity and physical resistance, the condition does not become disabling in the majority of cases. It is also agreed that unless preceded by a more or less extensive period of activity, the condition diagnosed as arrested or cured tuberculosis is not in itself seriously disabling either from a medical or industrial standpoint. When it is considered that thousands of men entered the military service without any notation of these arrested conditions and completed their military service without any adverse effect, it did not seem to your committee that the Government should pay compensation at the rate of $50 per month to these men for the remainder of their lives. It was felt that such a provision is essentially a pension measure, based upon other than actual disability, and, in view of the fact that the Government to date has not recognized any obligation to pay compensation for disabilities not acquired in the service, it did not seem just to prefer these men over all others, particularly when many of the others are disabled to a far greater extent. The adoption of the amendment would, in reality, be the paying of a bounty of $50 per month for a diagnosed condition of which the veteran in all probability would never have been aware had it not been for the medical examination in the military service.

Section 13 of the bill also amends subdivision (7) of section 202 of the act by providing that the director shall insert in the schedule of disability ratings a minimum rating of permanent partial 25 per cent for arrested or apparently cured tuberculosis. This provision will not be of particular effect where the only service-connected disability is that of active tuberculosis and the veteran is entitled to the statutory award of $50 per month, since that award is in excess of the 25 per cent rating established by this amendment. If, however, the veteran has in addition to a service-connected tubercular disability another disability of service origin he will be enabled to obtain a combined rating, and in such rating the disability resulting from the service-connected tubercular condition will be evaluated in the degree specified. The combined total disability rating may thus entitle the veteran to an amount in excess of $50 per month. It is further noted that the medical council of the bureau has advised the director that persons with arrested tuberculosis have a minimum industrial handicap of 25 per cent if such arrested tuberculosis follows a period of activity.

Page 26, lines 3 to 17:

Section 14 of the bill as it passed the House of Representatives did not contain any provision authorizing the hospitalization of contract surgeons who served overseas in the Spanish-American War under the provisions of subdivision (10), section 202, when facilities are available. Under the present law, these persons are not able to obtain such hospitalization as they are not veterans. It came to the attention of your committee that there are a small number of these contract surgeons who are in need of this hospitalization and who served with troops in Cuba, in the Philippines, or in foreign waters during the Spanish-American War, in similar capacities to that of the Regular Army commissioned medical personnel. Accordingly an amendment to the section as contained in H. R. 10381 has been inserted to enable these surgeons to obtain hospital treatment from the bureau, if service was rendered overseas during the Spanish-American War and if facilities are available.

Page 26, line 22:

Section 14 of the bill as it passed the House of Representatives amends section 202 of the act by authorizing the payment of compensation at specific rates to the dependents of a World War veteran hospitalized under that section who files an affidavit with the commanding officer of the hospital to the effect that his annual income is less than $1,000, where the veteran remains in the hospital for a period of 30 days or more. The payments are to commence after the expiration of the 30-day period and to continue during the further period of hospitalization and for two calendar months thereafter. There is no such provision in existing law. Your committee has inserted the words "hereafter where" on line 22, page 26, instead of the word "where" merely for clarification purposes, and to show clearly that payments under this section will not be retroactive.

Section 14 of the bill also amends section 202 of the act by defining the term "Spanish-American War" for the purposes of the section to mean the period between April 21, 1898, and July 4, 1902, and the term "veteran" is deemed to include those persons retired or not dishonorably separated from the active list of the Army or Navy. The purpose of defining the Spanish-American War is to fix the same period for the term "Spanish-American War" as used in connection with the hospital provisions as is accepted for pensions. The defining of the term "veteran" is for the purpose of overcoming a decision of the Comptroller General to the effect that men on the retired list of the Army and Navy are not veterans of the World War, although they served in the World War, because they have not been separated from the military or naval service.

Page 27, line 21, to line 12 on page 28:

Section 14 of the bill as it passed the House of Representatives authorizes the payment to a verteran hospitalized under the section at the rate of $8 per month in the event he certifies he is financially in need, unless he is entitled to compensation or pension equal to or in excess of that amount. There is no such provision in existing law. Your committee felt that this amendment is desirable, but believed that, as in the case of payments to dependents of veterans hospitalized under the same section, payments should not begin until after the expiration of 30 days of hospitalization. Unless such limitation is placed in the bill, small amounts would be payable for short periods of hospitalization, which would be administratively difficult to handle and would, in reality,

confer no real benefit on the veteran. Therefore your committee has redrafted the entire provision and it now appears on page 28, lines 4 to 12.

Section 15 amends subdivision (15) of section 202, which provides that any person who is now receiving a gratuity or pension from the United States shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, by providing that where such surrender of pension is made, any disability incurred in the military service of the United States, by reason of which said pension would be payable, shall be evaluated in accordance with the provisions of subdivision (4), section 202, and shall be payable as compensation under this act. Provision is also made for the combining of such rate with other ratings. The purpose of this amendment is to permit a person to receive adequate compensation for all disabilities incurred in the service.

Section 16 of the bill repeals section 206 of the act, which requires the filing of proof in certain cases prior to April 6, 1930.

Section 17 of the bill repeals section 209 of the act, which requires the filing of claims prior to April 6, 1930, in certain cases.

Section 18 amends section 210 of the World War veterans' act, as amended, by the addition of a proviso to the effect that nothing therein shall be construed to permit the payment of compensation under the World War veterans' act, as amended, for any period prior to June 7, 1924. This amendment is designed to place the stamp of approval on the interpretation of the World War veterans' act, 1924, by the bureau to the effect that in cases first brought within the purview of the statute by the act of June 7, 1924, no compensation could be paid for any period prior to that date.

Section 19 adds two provisos to section 212 of the World War veterans' act, 1924, as amended by adding (1) that where a veteran dies after June 7, 1924, as a result of disease or injury for which he was entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, his dependents shall be entitled to the compensation provided by section 201 of the act; and (2) that an application for compensation under the provisions of the war risk insurance act, as amended, or the World War veterans' act, 1924, as amended, shall be deemed to be a claim for compensation under all subsequent amendments. In connection with the first of these matters there were a small number of veterans who incurred disabilities between July 2, 1921, and June 7, 1924, and who, under the war risk insurance act as amended August 9, 1921, were entitled to disability compensation. The World War veterans' act, 1924, as amended, however, provides for payment of compensation only where death or disability was incurred between April 6, 1917, and July 2, 1921. Where a veteran of this class died before June 7, 1924, his dependents acquired an accrued right to compensation under the war risk insurance act, as amended, which is payable under the World War veterans' act, 1924, as amended, but in the event the veteran died subsequent to June 7, 1924, although he received disability compensation up to the time of his death by virtue of an accrued right under the war risk insurance act, as amended, his dependents (who acquired no such accrued right) are not entitled to death compensation. It is the opinion of the committee that the widows, children, and dependent parents of these veterans should be entitled to compensation.

The second proviso is designed to overcome the ruling of the Comptroller General to the effect that a claim which has been disallowed under an earlier statute can not be reviewed and paid, under a subsequent amendment bringing the case within the purview of the law, without the filing of a new claim. The bureau has always followed the practice of reviewing these cases without requiring another application, on the theory that section 305 of the war risk insurance act, as amended, and section 205 of the World War veterans' act, 1924, as amended, which authorize the bureau at any time, upon its own motion or upon application, to review disallowed cases, permitted such action. The committee believes the practice of the bureau to be legally sound, administratively advisable, and reasonable from the point of view of both the veteran and the Government.

Section 20 adds a new section to the World War veterans' act, 1924, as amended, to be known as section 214 and to authorize the director, in his discretion, to pay to the dependents of a compensable incompetent veteran who disappears the same amount of compensation as is provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans. When a veteran disappears it is necessary for the bureau to suspend all payments of compensation pending his reappearance or proof of his death. This works great hardship upon the dependents and it is the opinion of the committee that there should be legal authority for paying an allowance to the dependents under such circumstances.

Section 21 proposes a slight amendment to paragraph 3 of section 301 of the statute. This section now provides that where an insured whose yearly renewable term insurance has matured by reason of permanent and total disability is found and declared to be no longer permanently and totally disabled and is required to renew payment of premiums on said term insurance, and this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given an additional period of two years in which to renew payment of premiums and to convert said term insurance. The amendment provides that during the same two years he shall also have the right to reinstate his term insurance should it lapse. There are a number of cases in which the insured has permitted his insurance to lapse either by failure to pay the first premium at the required time or, having once renewed the payment of premiums and before conversion, has permitted the insurance to lapse. In such cases the insured, unless in a state of health which would meet the requirements for direct application for converted insurance under section 310 of the World War veterans' act, as amended, is precluded from carrying Government insurance. This amendment would, within the 2-year period prescribed, permit him to reinstate his old term insurance and convert it under less rigid requirements as to good health. The records of the bureau show that there are at present 100 cases in which insurance has been allowed to lapse after recovery from a disability rated permanent and total, 48 of which lapsed for the nonpayment of the first premium due after the rerating, and 52 for the nonpayment of premiums subsequent to the first. In a number of cases the remittance to cover the monthly premium was only a few days late. The fourth paragraph of this section is also amended, the purpose being merely to carry through the entire act the amendment included in section 3 of this bill, which, as explained heretofore, amends section 16 of the World War veterans' act, as amended, to authorize specifically refund of unearned premiums on yearly renewable term insurance.

Section 22 amends section 304 of the World War veterans' act, as amended, by changing the language of the last proviso thereof, which now states that no yearly renewable term insurance shall be reinstated after July 2, 1927, to provide an exception in favor of those who will reinstate term insurance during the 2-year period allowed in section 301 for those who have recovered from permanent and total disability.

Section 23 amends section 307, which relates to the incontestability of insurance contracts. The purpose is to make all contracts or policies of insurance incontestable from date of issuance, reinstatement, or conversion, for all reasons except fraud, nonpayment of premiums, or that the applicant was not a member of the military or naval forces of the United States. This incontestability would protect contracts where they were not applied for within the time limit required, where the applicant was not in the required state of health, or was permanently and totally disabled prior to the date of application, or for any other reasons except those specifically mentioned in the statute. It is appreciated that this is a broad provision, but it was felt that it was necessary in order to do justice to the veterans to place this insurance on a parity with commercial insurance companies from a stability standpoint, and to overcome decisions of the Comptroller General which practically nullify the section as it now exists. Further provision is made permitting the insured to elect after a reinstatement or conversion to go back to some prior contract and claim rights thereunder; and if he proves himself entitled to such rights, upon surrender of the latter contract or contracts, to be paid under the prior contract. The purpose is to prohibit the raising of estoppel against the claimant either in or out of the courts because of his reinstatement or conversion of his insurance. Provision is also contained whereby suit may be brought either in the original action or by alternative plea in the same suit with a subsequent contract or policy. Recovery, however, can only be effected upon one of the contracts or policies. The effect of the present practice of the bureau in raising estoppel is to penalize the man who pays his premiums or tries to continue all or a part of his insurance in force. This amendment is specifically made retroactive in order that in any case where the claim has been heretofore disallowed on the ground of estoppel, or because of the policy not being incontestable, the insured, or the beneficiary under such contract or policy may, if he/she so elects, have the benefit thereof. It is contemplated that payments in cases of contracts or policies incontestable under this section will begin from date of maturity of such contracts or policies.

Section 24 proposes to amend section 311 of the statute, which was added to the law at the last Congress (Public, No. 585, 70th Cong.), and was designed to authorize the director to include in the present United States Government life (converted) insurance policy a clause providing a new maturing factor. This amendment provided that where an insured was totally disabled for a period of 12 consecutive months he should receive disability benefits as if he were permanently and totally disabled, thus authorizing the payment of disability benefits of $5.75 for each $1,000 of insurance, the face of the policy being depleted by such payments. Prior to this amendment the man must have been permanently and totally disabled before any disability benefit was payable under his policy. The amendment in the present bill, however, provides for a disability benefit of $5.75 per $1,000 upon application of the insured, which, upon the happening of the contingency on which it is based—i. e., total disability for a period of four months or more—shall be paid independent of the present permanent and total disability clause in the policy and shall not deplete the face value of the policy. Payments begin on the first day of the fifth consecutive month. In the event the insured

becomes actually permanently and totally disabled within the meaning of the present provision in the converted insurance policy, he is, under the amendment, to receive payments under the new total disability clause concurrently with the payments under the permanent and total disability clause now in the converted policy, payments under the latter only depleting the face value. This new disability feature is limited to a rate of $5.75 on each $1,000 of insurance carried and may be less than the total amount carried, but not more. It is to be handled as a separate liability from the present provision for a permanent and total disability and will be so shown on the records, so that the present United States Government life-insurance fund shall not be assessed for any losses to be paid under this provision. This insurance will be paid for by the insured and will not result in any increased cost to the Government except so far as the cost of administration is concerned.

Section 25 has for its purpose the protecting of rights existing under the World War veterans' act, 1924, and amendments thereto in effect prior to the passage of this amendatory act. Your committee was of the opinion that the rights granted by this amendatory bill should be in addition to those previously conferred, and in order that there might be no misunderstanding concerning the intention of Congress this section is included in the bill.

Your committee has also made some slight typographical changes in H. R. 10381, to correct manifest clerical errors. Such changes will be readily apparent.

Mr. SHORTRIDGE. Mr. President, I remind Senators that in this report we undertake to explain not only the amendments which we put in the bill, but the scope and nature of the proposed legislation. To that end we point out what the law is; second, what the House bill proposed; third, what the Senate Finance Committee agreed upon, so that a reading of this report would advise Senators as to the present law, as to the bill as it passed the House, and as to the bill amended by the committee and reported to the Senate.

Mr. President, right here permit me to observe that there is not one ex-service man among a million who understands what the law is; there is not one lawyer in the United States, unless he has made a specialty of this type of legal work, who understands what the law is; and, with utmost respect, I question whether there was one Senator who understood what the law was, or, as of now, still is, because, first, of the many acts that have been passed; second, the interpretations placed upon those several acts by the director; and, third, the different rulings of judges in cases which have reached the courts.

The result is that unless a gentleman devotes careful study to the problem he is in a state of confusion as to what the law is, and what the measure here and now before us proposes in the way of changing the existing law.

I beg to say—and I say it in a sense apologetically to myself—that two or three weeks or a month ago I had very vague notions in respect of the law because I had not devoted special attention to it, and hence I was in a state of confusion. But during the last two or three weeks I have given some attention to the law, to the rulings of the bureau, to the decisions of the courts, and I have a fair conception, I think, of what the law is, as it is to be affected by this bill, and I can, without taking up very much time, explain to the Senate just what the bill would do by way of amending the existing law.

At this point I wish to impress upon the Senate that we are not setting out to reconsider all the legislation upon the question of relief for veterans, and yet this bill contemplates that within the next three years there shall be a thorough examination into the existing statutes, harmonizing them, reducing them into symmetry and certainty, to the end that justice may be done to all entitled to the gratitude and the care of his grateful Nation.

Something was said here, and I notice that the papers filled columns with unnecessary words, to the effect that there is a division among veteran organizations touching the legislation now before us or touching the legislation which is involved. I hold in my hand a letter addressed to me by Mr. Taylor, which I assume he was authorized to send to me, speaking on behalf of the American Legion, which I shall read:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., June 21, 1930.

Hon. SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We were all very glad to note that the Senate yesterday before adjournment made H. R. 10381, the disabled men's legislation, the unfinished business of the Senate and that it would be taken up for consideration Monday, June 23, and be voted upon before adjournment on that day.

On June 14 I addressed a letter to each Senator, a copy of which is inclosed, appealing to them to pass the disabled bill promptly in substantially the form reported by the Senate Finance Committee. The RECORD contains the statement that several of the Senators intend to offer amendments. I take this opportunity, therefore, to again state to you, since you have charge of the bill on the floor of the Senate, that it is our hope that the bill will be passed without substantial amendment. In our opinion, it is a splendid piece of legislation as reported by the Finance Committee and is satisfactory to the members of the American Legion.

Very sincerely yours,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

So that I am warranted now in saying that all the various veterans' associations, by whatever name known, are in sympathy with and in favor of the passage of the bill in the form in which it is now before the Senate.

Mr. President, I have said that there are many laws relating to the veterans of the late World War. There are some relating to the Spanish War veterans. As we know, there are laws relating to the Civil War veterans. The bill now before us amends the laws in certain respects, and in their order I wish to invite particular attention to these amendments.

First, as to the statute of limitations; Under the present law certain actions grow out of insurance policies issued by the Government to the veterans and there is a fixed time within which such actions may be commenced. The present bill amends the law to the extent of extending the time one year. Why was that done? The laws of every State in the Union contain what are called statutes of limitations running from six months up to 10 or 15 years. Because veterans scattered over the Union in the Southland and the Eastland, the Northland and the Westland, were not lawyers, not informed, and did not know the law, it is quite conceivable that there may be a number of additional actions brought if we extend the time. I am not indulging in sentiment. I am stating, however, that if a veteran has a bona fide case it is only fair for us to extend the statute in his interest if through his inability or ignorance he has not already brought his action within the term fixed in the present law.

I have heard elsewhere and it has been intimated here that the extension of this time would bring in an innumerable number of cases. Suppose it does? What are our courts set up to do? For what purpose have we courts unless it be to administer justice as between citizen and citizen or as between the citizen and his Government? But it does not follow that all the cases will be meritorious or that they will be decided in favor of the veterans—100,000 is suggested as the possible number, but it is a pure guess. I can prophesy just as well as General Hines. It is a guess as to the number of cases that would be commenced if the time of the statute be extended one year. It has been testified before the committee that on a general average 50 per cent of the cases are lost, so that we reduce his figures from 100,000 to 50,000. I fear me, Mr. President, that the great man yonder in the White House whom I support has been misled in various ways touching the very scope and meaning of this bill, for I question whether with the multitude of his duties he had opportunity to read the committee's report explanatory of the bill.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. SHORTRIDGE. I yield.

Mr. DILL. I have been told that the amendment now offered is in substance the same amendment that was offered in the committee and adopted by the committee, and then was taken out at the request of the administration.

Mr. SHORTRIDGE. I think it was.

Mr. DILL. Then I wonder if the President was wrongly advised when he insisted on it being taken out or now when he insists upon it being put in? Did he have the same advisers or different advisers.

Mr. SHORTRIDGE. I do not know.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kentucky?

Mr. SHORTRIDGE. I yield.

Mr. BARKLEY. The amendment which was submitted in the committee and in a way was accepted was later rejected on advice received from the administration. It provided a maximum pay of $60 for totally disabled veterans and a minimum of $24 or $25 for partial disability, whereas the amendment now offered by the Senator from Pennsylvania provides a maximum of $40 and a minimum of $12.50.

Mr. SHORTRIDGE. Yes. As I said a moment ago, I assume that it was rejected for various reasons, but chiefly because it was essentially a pension proposition. The bill and the present laws are grounded upon the idea of compensation for disability

incurred during military service and not, to use the phrase, a general pension proposition.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Arkansas?

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. This relates to a very important and interesting feature of the controversy. According to the statement just made by the Senator in charge of the bill, an amendment similar to that which is now presented by the Senator from Pennsylvania, differing from it in the amount authorized to be paid to disabled soldiers without service connection with regard to their disability, was first accepted by the Committee on Finance.

Mr. SHORTRIDGE. It was accepted tentatively, but not determined.

Mr. ROBINSON of Arkansas. Not actually accepted?

Mr. SHORTRIDGE. No; it was not.

Mr. ROBINSON of Arkansas. But considered favorably?

Mr. SHORTRIDGE. Yes; by some.

The PRESIDING OFFICER (Mr. COUZENS). The present occupant of the chair announces it was considered favorably by a majority.

Mr. ROBINSON of Arkansas. The present occupant of the chair makes an authoritative announcement that a majority of the members of the Finance Committee had first studied a proposition almost identical with that now presented by the Senator from Pennsylvania, except with a difference in regard to the amounts. The statement is made that it was finally rejected by the committee on the recommendation of the administration.

Mr. SHORTRIDGE. I can not say that accurately. I would not state that because I do not know, but I know there were conferences and I know there were suggestions later made which brought about the rejection of the proposed amendment.

Mr. ROBINSON of Arkansas. The point I am about to make is that to which I referred an hour or two ago. This is a very important matter, quite a difficult and complicated matter as stated by the Senator from California. It appears now that the controversy was raised in the committee and resolved in favor of the Senate committee report.

Mr. SHORTRIDGE. Yes; that is quite true.

Mr. ROBINSON of Arkansas. I would like for some one who does know, some one who is willing to take responsibility for an affirmative declaration on the subject, to give us the history of this matter. On the 25th of April this bill was referred to the Finance Committee. Everyone must have recognized its importance. It was considered by that committee and reported here with a number of amendments. I think some additional amendments ought to have been favorably acted upon by the committee. After the Senate had agreed to vote on the proposition with a narrow limitation as to debate, foreclosing a comprehensive consideration of the issues involved—rejected, as some say, upon the initiative of the administration—the proposition rejected by the Finance Committee is brought in and insisted upon and proposed now clearly upon the initiative of the administration.

Mr. SHORTRIDGE. Yes; it may be so.

Mr. ROBINSON of Arkansas. Is this the way legislation is to be considered in the Senate? Are measures of this importance to be treated in that manner? Let us have the facts about it. Let us know if it is true that the Finance Committee considered first favorably and then unfavorably the substance of the pending amendment, and let us understand what is behind the discussion.

Mr. SHORTRIDGE. Mr. President, I must decline further to yield.

The PRESIDING OFFICER. The Senator from California declines to yield further.

Mr. ROBINSON of Arkansas. I thank the Senator for yielding to me.

Mr. SHORTRIDGE. I am concerned with what is before us, with the bill as it is.

Mr. ROBINSON of Arkansas. The plain innuendo is made in the Senate. It is made by members of the Finance Committee that the proposition now submitted by the Senator from Pennsylvania was considered by the Finance Committee and finally rejected by that committee.

Mr. SHORTRIDGE. I made that statement a moment ago very positively.

Mr. ROBINSON of Arkansas. It is brought in now as an emergency measure.

Mr. SHORTRIDGE. I made that statement without any qualifications.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I yield.

Mr. BORAH. Has the Senator from Arkansas resubmitted his request with reference to extending the time for general debate?

Mr. ROBINSON of Arkansas. I have not, but I shall do so with the indulgence of the Senator from California and with his permission.

Mr. BORAH. I think we ought to have another day to consider the matter. If there is anyone who knows the details of the different bills, he is not able to get them before us. There is a wide difference of opinion among the members of the committee themselves. The amendment of the Senator from Pennsylvania comes here after we have agreed upon a time to vote when it is perfectly certain that we are not going to give the bill the consideration that it ought to have.

Mr. SHORTRIDGE. Mr. President, I set out to explain the controverted amendments—there are not many of them—and I can make them, I think, perfectly clear.

The amendment proposed by the Senator from Pennsylvania, I repeat, was in substance submitted to the committee and considered and finally rejected. As I said a moment ago, it was not born out of his brain; it is not a new thing to the members of the committee, but it may be new to Members of the Senate.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I gladly yield.

Mr. BORAH. What information has the Senator as to why it was rejected? Was it through the influence of the administration?

Mr. SHORTRIDGE. I do not think so.

Mr. BORAH. Well, somebody ought to know; the Senator was in conference with the administration.

Mr. SHORTRIDGE. No; I was not, but I do not care as to that.

Mr. BORAH. I do care.

Mr. SHORTRIDGE. I am concerned in what a Senator thinks is right; what occurs elsewhere is not what I am interested in; that is what I mean to say.

Mr. BORAH. But it has much to do with the peculiar manner in which this question is presented.

Mr. SHORTRIDGE. That may be; but I repeat what I said a moment ago, that I am not curious to follow the trail of men here in the city; I am taking this bill as it is before us, and I repeat again and again that this amendment was submitted to the committee and that it involves a pension scheme. Many members of the committee were kindly disposed toward a measure based on the theory of compensation for disabilities incurred during war; and, in fact, provable by direct testimony or by presumption, but they were opposed to a general pension system; and many expressed their alarm that the adoption of the amendment would introduce a general pension system, as, indeed, the amendment of the Senator from Pennsylvania does. Upon reflection and upon further study I must assume—I know how it was so with me—the conclusion was reached that the bill in its present form should be favored because it is grounded upon the fundamental proposition—every amendment proposed by the committee to the pending law is grounded upon the fundamental proposition—that the sickness or infirmity of the veteran in question is due to his service during the war period.

Mr. SMOOT. It is just the opposite.

Mr. SHORTRIDGE. No; it is not the opposite. Why does the Senator sit here and say it is just the opposite? I say every amendment is grounded upon that theory.

Mr. SMOOT. It may be grounded upon that theory, but it will not so work in practice, because, even though a veteran contracted disease by his own vicious habits after the war was over he will get the compensation. So I say the statement made by the Senator can not possibly be substantiated.

Mr. SHORTRIDGE. Very well; I will approach that in a few moments and I will show the Senator, as I could show the Supreme Court, sitting in yonder court room, that he does not know what the law is, and he does not know what we propose to do here. I am not concerned with other rules and regulations and laws; I am concerned with what this bill does by way of amending existing law.

Mr. BORAH. Does the Senate committee bill provide for taking care only of those veterans who contracted disease or suffered disabilities by reason of their service in the war?

Mr. SHORTRIDGE. So far as this bill goes by way of amending existing law; yes. That is the answer.

Mr. BORAH. There you are.

Mr. SHORTRIDGE. And that is the correct answer.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kentucky?

Mr. SHORTRIDGE. I will yield to the Senator, but I will approach the question in due time.

Mr. BARKLEY. The bill is somewhat more liberal than the question of the Senator from Idaho might indicate. It extends the period of presumptive war connection to January 1, 1930, and there is included a larger category of diseases than are included in the present law. So it may by presumption actually grant relief to veterans whose disability can not be and has not been connected with their service; and there are some 600,000 of them who have made application and who have been unable to connect their disabilities with the service.

Mr. SHORTRIDGE. That is not a fair or full statement of the law. The Senator is a lawyer——

Mr. SMOOT. I think it is a fair statement.

The PRESIDING OFFICER. To whom does the Senator from California yield?

Mr. SHORTRIDGE. I yield to no one at present.

Mr. SMOOT. The Senator from Kentucky is right in the matter.

Mr. BARKLEY. Yes; I think my statement is correct.

Mr. SHORTRIDGE. Mr. President, I digress right here to say that as to the presumption period, it is extended from January 1, 1925, to January 1, 1930. There are certain presumptions which are conclusive, presumptions which are already in the law and as to those diseases where the presumption is conclusive there is no change proposed; but there are included certain diseases presumably connected with war service which are not now covered by the law. Each and every of those presumptions, we are told, is ridiculous, unfounded, and absurd. If that be so, they can be easily overcome by lay evidence or by medical professional evidence which is available.

Mr. BORAH. Does the presumption do anything more than place the burden of proof upon anyone who may wish to dispute the liability?

Mr. SHORTRIDGE. That is the effect of the presumption.

Mr. BORAH. There is no presumption, so far as the amendment to the law is concerned, except that which may be overcome by evidence?

Mr. SHORTRIDGE. Certainly not, and when Senators rise here——

Mr. SMOOT. As I understand, that is not so.

Mr. SHORTRIDGE. That is the law, and if anybody knows what the law is he will realize that fact.

Mr. ROBINSON of Arkansas. But nobody seems to know what it is.

Mr. SHORTRIDGE. I say that, under the law, a presumption may be conclusive or rebuttable or controvertible. In the law a presumption is evidence introduced on behalf of a given party. There are certain diseases, which I will mention, from which a veteran is now suffering as to which under the present law there is a conclusive presumption that they were contracted as a result of service. That is a conclusive presumption, and for the benefit of the lay Members of the Senate, let me say that such conclusion or presumption may not be disputed. The law determines it; it is a conclusive presumption; but, as in the statutes of every State—my own great State included—there are hundreds of presumptions in which the law indulges. Every State has statutes naming different presumptions, which are called "rebuttable" presumptions. If what my learned brethren say here be true, namely, that the presumption that a man contracted gout, which developed last week, by serving in France 10 years ago, or that, becoming somewhat enlarged corporally, he is suffering from obesity now because of some service yonder in Belgium or France 10 to 12 years ago, is so absurd, so ridiculous as to excite laughter and contempt for those who favor this bill, the testimony of any learned doctor, a little lay testimony, a little examination into the record of the man will very speedily overcome such a presumption, and his claim will be disallowed. That is all there is to be said on the subject.

But some Senators have proceeded upon the notion that the presumption was something very difficult to overcome, and, therefore, it was absurd to include these various diseases within the presumptions mentioned.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an interruption there?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. SHORTRIDGE. I yield.

Mr. WALSH of Montana. While this amendment is before the Senate, and in connection with the remarks of the Senator from California, I want to advert to what has been referred to as an effort to ridicule the idea of the presumption which this proposed statute would raise in the case of leprosy. There would be a rebuttable presumption in the case of one contracting leprosy that his leprosy was contracted during the war, and that was referred to as absurd. The records of this body disclose the most distressing case of leprosy contracted during the Spanish-American War by a soldier who was discharged in 1904. The victim was repeatedly examined in Government hospitals between that year and 1917, when he went to the Mayo Clinic at Rochester, Minn., and his case was there diagnosed as leprosy. He was in quarantine, and continued there for a period of nearly 10 years.

His case being presented to Congress, he was first adjudicated a pension of $20 a month and later of $72 a month, it being shown that the only possibility of his having contracted the disease was when he served in the Philippines, and, notwithstanding repeated examinations by competent physicians—I say competent physicians, but probably they had no experience in leprosy cases—it was not even suggested that he had leprosy until he was examined at the Mayo's in 1917, 13 years after he was discharged from the Army.

The great difficulty in that case, Mr. President, was in convincing anybody that, after such a long lapse of time, he had actually contracted the disease while he was in the service. A committee of this body recommended against a special bill that was introduced in his behalf upon the ground that it was quite unreasonable that he should have contracted that disease so long before; and yet there is not any doubt that he must have done so, because it was impossible that he should have contracted it in any other way, and the Congress eventually reached that conclusion and gave him a pension of $50 in the first place and $72 finally.

I assert, Mr. President, that the provision in the bill is a very reasonable one in respect at least to what might be regarded as exotic diseases; that is to say, those that probably were contracted overseas.

Mr. SHORTRIDGE. I thank the Senator for the statement he has made. So the Senate may understand the extension of the time within which suit may be brought, let me say again that the presumption period is extended from January 1, 1925, to January 1, 1930. As to the number of suits that may be brought—and I have heard the number referred to as being in the neighborhood of 100,000—it must be borne in mind that fully 50 per cent of them are lost. There is no way on earth to forecast that there will be 100,000 additional cases brought, and it is utterly impossible and purely empirical to say so.

I reserve for later comment the question as to misconduct, but as to presumptions I must make it clear, perhaps to others than those present, that there are certain specified diseases and conditions which in the present law and in this bill are conclusively presumed to be of service origin, and there are certain additional diseases which are covered by disputable or rebuttable presumptions.

Mr. BORAH. Mr. President——

Mr. SHORTRIDGE. I yield to the Senator from Idaho.

Mr. BORAH. The bill, on page 17, reads:

> And said presumption shall be conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable.

Are those the only two diseases as to which it is conclusive?

Mr. SHORTRIDGE. Yes; under the existing law. That does not add to the law. That is the existing law.

Mr. BORAH. Exactly.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Just a moment, please, Mr. President. I desire to call attention to the fact—will Senators now take note of this?—first, that the benefit of a new presumption is not retroactive; second, nor is any compensation to be paid for more than three years after the approval of this act "pending a further study of veterans' relief by Congress." It was considered in the committee, it has been discussed elsewhere that during the coming three years there would be a study of all these more or less inter-related and complex and uncertain laws, whereby all veterans might be placed upon an equitable basis.

In other words, and to make the matter perfectly clear, there is no addition to the diseases as to which the presumption is conclusive. There are other diseases brought in by way of rebuttable presumptions; but the benefits of any new presumption are to continue for three years, not more. That is specifically stated in lines 14 to 19, page 17, of the bill.

I now yield to the Senator from New Mexico.

Mr. BRATTON. Mr. President, what diseases are embraced in the 5-year extension of the presumptive period—that is, from January 1, 1925, to January 1, 1930?

Mr. SHORTRIDGE. I have in my hand a list of diseases presumed to be of service origin if shown to exist to the degree

of 10 per cent before January 1, 1925. Then follows a list of diseases contained in H. R. 10381 which will be presumed to be of service origin if shown to exist to a 10 per cent degree before January 1, 1930. Then follow the diseases which will fall under these rebuttable presumptions. I ask leave to incorporate these lists in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

List of diseases now presumed to be of service origin if shown to a degree of 10 per cent before January 1, 1925:

Neuropsychiatric diseases: Spinal meningitis, active tuberculosis disease, paralysis agitans, encephalitis lethargica, amœbic dysentery.

List of diseases contained in H. R. 10381 which will be presumed to be of service origin if shown to exist to a 10 per cent degree before January 1, 1930:

Neuropsychiatric diseases: Spinal meningitis, active tuberculosis disease, paralysis agitans, encephalitis lethargica, amœbic dysentery.

Chronic constitutional diseases: Leprosy, acidosis, anemias (primary), arteriosclerosis, beriberi, diabetes insipidus, diabetes mellitus, gout, hæmochromatosis, hæmophila, Hodgkins's disease, leukemia, obesity, ochronosis, pellagra, polycythemia, purpura, rickets, scurvy, endocrinopathies.

Analogous diseases: Arthritis (chronic), carcinoma (sarcoma), cardiovascular renal disease, cholecystitis, endocarditis, myocarditis, nephritis, nephrolithiasis, valvulitis.

Mr. BRATTON. Mr. President, are any diseases that are presumed to be of service origin under the existing law excluded or eliminated under the new bill?

Mr. SHORTRIDGE. None—none excluded, Mr. President——

Mr. BRATTON. There are no exclusions, but some additions?

Mr. SHORTRIDGE. Yes, sir.

Mr. BRATTON. Is there any difference in the diseases which are conclusively presumed to be of service origin under the proposed bill and under existing law?

Mr. SHORTRIDGE. No.

Mr. BRATTON. They remain the same?

Mr. SHORTRIDGE. They are continued under the proposed law—this bill—but, as is perfectly manifest, the purpose of the amendment was to bring in some additional cases, and to bring them in by way of a presumption, to the end that the man might have a hearing, and, if the presumption is not overcome, be entitled to some little relief.

Mr. BORAH. But all those cases which have been brought in are under the rebuttable presumption?

Mr. SHORTRIDGE. Yes, Mr. President.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maryland?

Mr. SHORTRIDGE. I yield to the Senator.

Mr. TYDINGS. One difference between the Senate bill and the Reed amendment is that if a veteran lost his arm, or both arms, and became permanently disabled as a result of a street-car accident having no connection whatsoever with the war, under the Reed amendment he would draw $40 a month, and under the Senate bill he would get nothing. Is that correct?

Mr. SHORTRIDGE. It might result in that. I am not quite clear as to that.

Mr. TYDINGS. As I understand the Reed amendment, it would give $40 a month to every veteran of the World War who is totally disabled at the present time, regardless of whether that disability was incurred within or without the service, while the Senate bill deals simply with the class of veterans whose disabilities are connected with the service.

Mr. SHORTRIDGE. There is no doubt about that. That is the law now, and this bill does not change the law in that respect.

Mr. BORAH. Mr. President, may I ask one further question?

Mr. SHORTRIDGE. Yes, sir.

Mr. BORAH. Do any of these measures purport in any way to take care of the widows and orphans?

Mr. SHORTRIDGE. This measure does; yes, Mr. President. It comes in under the term "dependents."

Mr. WALSH of Massachusetts. Only to a very limited degree.

Mr. SHORTRIDGE. I grant that.

Mr. WALSH of Massachusetts. Only when a veteran is in a hospital, and has not service connection, after he is there one month he himself, if he is worth less than a thousand dollars, can get $8 per month. His wife, if he has a wife, and one child, can get $30 a month while he is in the hospital. In my opinion, one of the weaknesses of the bill is that after the man is dead, not in the hospital, his wife and children get nothing.

Mr. BORAH. That is what I had in mind.

Mr. SHORTRIDGE. I will answer—that allowance is given to or for dependents of a man in a hospital who has an income of less than $1,000, Mr. President. On pages 26 and 27 of the bill, section 14, amending section 202 of the existing law, provides that where this veteran is in the hospital and has an income of less than $1,000, the wife receives $30 per month, the wife and one child, $40 per month, with $6 for each additional child. The bill further provides "if there be no wife but one child, $20 per month; if there be no wife but two children, $30 per month; if there be no wife but three children, $40 per month, with $6 for each additional child."

Mr. WALSH of Massachusetts. There are no instances of mother or father.

Mr. SHORTRIDGE. Elsewhere in the bill, Mr. President, there is provision for a small allowance to dependent mother or father, or both.

Mr. TYDINGS. Mr. President, will the Senator yield for an observation while he is looking that up?

Mr. SHORTRIDGE. Yes.

Mr. TYDINGS. May I call to the Senator's attention the fact that when the emergency officers' retirement bill was passed, it was to take care of those officers who were disabled in the war on a parity with those who were in the Regular Army. It so happens, I am reliably informed, that of the officers who have taken the benefit of that act, over 50 per cent were in the medical profession.

I do not wish to cast any aspersion on the medical profession; but it certainly is strange, most peculiar, that over half of the emergency officers who are to-day receiving retirement pay are of the Medical Corps; and, with a few exceptions, the medical officers were not line officers. They were not in command of troops. They were not in battle, many of them. Of course, a great many of them were; but since that law has been applied we find that about 53 per cent of its beneficiaries are officers who were in the Medical Corps. Therefore, having seen the effect of broad interpretations in that act, I think the Senate would be wise to look at this one carefully, and they will find a lot of men getting benefits who are not entitled to them, and others excluded who are entitled to benefits.

Mr. SHORTRIDGE. That may well be; but we are dealing now with a bill before us. It may not be perfect. It may not do as much as the Senator or others might wish to be done; or let me respond to the Senator's thoughts by saying that the present laws may not be perfect. I am dealing, however, with the matter before us. Congress will meet again, and let us hope we shall all be here, and there will be the possibility to add to, take from, correct, perfect the laws. The second flood is not coming to-morrow.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. TYDINGS. I appreciate the fact that the Senator from California wants to take care of what he thinks is a deserving lot of ex-service men. May I point out to him that the World War has been over now 11 years.

Mr. SHORTRIDGE. Yes; but the awful aftermath is here, and we had better build a few less battleships and take care of the wrecks of the late war.

Mr. TYDINGS. The war has been over 11 years. If the Senator will give me his attention, this set of facts is very likely to come into being, and these are the results which will follow therefrom:

Here are two men. One man is given by this law a presumption that his disability was incurred in line of service; and, although it is only a rebuttable presumption, with what evidence it is possible to get together from comrades and perhaps from medical officers in some cases he can sustain that presumption and make it conclusive, and he will get $100 a month; while another veteran in the same company, although he too has a presumptive right to the compensation, will get absolutely nothing. Under the Reed amendment, however, both of these men would get exactly the same, because that amendment, as I see it, is predicated on the fact that after 11 years it is well nigh impossible in 99 cases out of 100 by any set of facts to tell whether the disability that the man now has was due to the service or due to something that happened subsequently to the service.

Mr. SHORTRIDGE. If that be so, the presumption would be easily overturned.

Mr. GEORGE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. May the Chair remind the Senator that in 15 or 20 minutes the time for unlimited discussion is up.

Mr. GEORGE. If the Senator will let me make a suggestion, nearly all of the arguments here have gone upon the theory that 11 years after the war some man is taken sick, and the presumption arises. The applications of veterans pending in the bureau to-day will average more than three years, and possibly four years. There are many applications that have been filed in the Veterans' Bureau for eight years upon which no compen-

sation has ever been granted. So it is not fair to suggest that the disease makes its first appearance 11 years after the war.

Mr. SHORTRIDGE. No.

Mr. TYDINGS. Mr. President, will the Senator yield for just one moment?

Mr. SHORTRIDGE. The time is running. I can not yield, except very briefly.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. TYDINGS. Just a moment.

Mr. SHORTRIDGE. Very well.

Mr. TYDINGS. May I say to the Senator from Georgia that if he will look at the statistics, he will find that the vast majority of the cases which have not been closed have arisen since January 1, 1925.

Mr. GEORGE. I will say to the Senator that the average of all applications pending in the Veterans' Bureau where compensation has not been paid is more than three years; so that the disease actually made its appearance in many, many, many cases 5, 6, 7, 8, and 9 years ago.

Mr. SHORTRIDGE. Mr. President, I again refer to the report as being explanatory of each and all of the sections in the bill, of the law as it was, as the bill came from the House, and as the committee propose to amend it. As to the point under discussion—namely, as to the presumption cases—if what Senators say again and again be sound and true, the presumption will probably be as a thistledown, and it will be easy to overcome it. The director, in all human probability, will find evidence speedily to overcome it; or if it should be possible to carry the matter to the courts, the courts will very likely, by ruling, overcome this presumption.

Mr. BINGHAM. Mr. President——

Mr. SHORTRIDGE. But I think the Senate now understands that it is not piling on a burden to break the back of the Government, a heavy burden to be carried by the taxpayers of this Nation; but I do not care if it does add a little bit to the expense of government.

If absolutely necessary to provide for the additional expense of this bill I would cease to erect some buildings; I perhaps might defer the cleaning out of some sleepy lagoon; I would stop extravagant expenses in the personnel of this bureau. Why, this bureau costs forty-odd million dollars a year. The director has an army of employees, and yet he says that if this bill goes through it will call for another $5,000,000 additional in personnel. Great God! They ought to cut off about $10,000,000 now; and he reaches his $102,000,000 cost of this bill by the suggestion that it will call for $5,000,000 more for personnel to administer this law!

What changes are here made in the present law which will call for an addition to the great army now under General Hines? It is perfectly ridiculous and absurd to suggest that this bill will call for more assistants.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. In a moment I will yield with pleasure.

Another thing, he does not call attention to the fact that the $3,000,000 which he puts in to make up his $102,000,000 estimated cost should not be charged to this bill at all. Here is an item found in section 38, which he says will cost $3,000,000, that is a provision directing the Secretary of War to gather up and accumulate in the War Department all the records and files regarding the service of veterans of the World War, all to the end, I suppose, that the rights of veterans may be the better guarded and history preserved. This item in this bill has nothing to do directly with veteran relief legislation. Yet he uses it, and doubtless impressed it upon the mind of the President. I would be perfectly willing to eliminate that item of expense. It has no place in this relief legislation.

There is another thing to which nobody has called attention, but to which attention should be called. Let me state the case in this form: Under certain rulings of the director this Government is now obligated to pay something over $25,000,000. Under an early estimate of General Hines, it was some $42,000,000. I beg Senators to follow me. Under present rulings we are obligated to pay at least $25,000,000. Why do I say that? The director rejected claims amounting to the sum stated, but the Attorney General of the United States and General McCarl, the Comptroller General, have both now ruled that those were and are valid claims against the Government, and unless we do what we have a constitutional right and power to do, unless we now, by the provision in the bill, found on lines 19 and following on page 29, affirm in legal effect the ruling of the Director of the Budget, the United States Treasury will be called upon immediately to pay over $25,000,000.

At first blush, when that provision was called to my attention, I said, perhaps half lawyerlike, "If such a claim was a valid claim, it became a vested right, and how can we interfere with it?" But upon a little reflection it occurred to me that it has been held repeatedly that where the amount to be paid is in the nature of a gratuity, without consideration, it is competent for Congress to change the law and provide that the gratuity shall not be given. Therefore, under this ruling of the Attorney General and General McCarl, unless we pass this bill with this provision in it, the Director of the Budget, under the law, will proceed to pay out over $25,000,000 on claims which he has heretofore rejected.

Mr. REED. Mr. President, is it not so that the bill as it came from the House contained those provisions, that the Finance Committee did not amend them, that my amendment does not touch them, and that the question is not at issue at all? Nobody is proposing to change that.

Mr. SHORTRIDGE. All right; but I am dwelling on this item for the moment to remind the Senate that this saving of $25,000,000 is not mentioned by the director when estimating the cost of this bill. He has not called the attention of the country to the fact that this bill saves the Government, at least for one year, $25,000,000.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. BARKLEY. I was going to ask the Senator whether that is an annual saving or whether it is a saving of a lump sum of $25,000,000 or more?

Mr. SHORTRIDGE. As of now, it is an accrued and may be called a lump sum which is due.

Mr. BARKLEY. Of course, it might continue in the future, I imagine. If these claims are held valid as to the past, they might project themselves, at least to a certain extent, into the future.

Mr. SHORTRIDGE. Quite possibly.

Mr. BARKLEY. Assuming, however, that they were for only one year, then they would reduce the total amount involved in this bill as reported by the committee by $25,000,000.

Mr. SHORTRIDGE. Beyond any controversy.

Mr. BARKLEY. So that if General Hines's first estimate of the cost of this bill as it now stands is $74,000,000, which he stated before the committee it represented, and we deduct the $25,000,000 referred to, that leaves only $49,000,000 as the expense of this new bill for the first fiscal year.

Mr. SHORTRIDGE. Precisely; or, if it is to be $102,000,000, as he says, by this reduction of $25,000,000, we bring back the cost for next year to about the $74,000,000 or $75,000,000, which was agreed upon in the committee, with a representative of the director there so advising us, with pencil in hand, adding, subtracting, and calculating.

Mr. ALLEN. Mr. President, will the Senator yield to me?

Mr. SHORTRIDGE. I yield.

Mr. ALLEN. Is it a settled fact that General Hines agrees that the $25,000,000 may be subtracted from the estimate of whatever it is? My information is that he says that it is not legitimate to subtract the $50,000,000, or whatever amount is subtractable, because of the changing of the retroactive date. Has anyone here any accurate and dependable statement from General Hines touching the effect of this new date to which the retroactive act will go?

Mr. REED. Mr. President, I have.

Mr. SHORTRIDGE. The Senator may have his latest figure, but if he has his estimate of last week, or last month, it may be somewhat different. What is the point of the query? The Senator from Pennsylvania has explained himself with great clearness, and it has been suggested, if I catch the question, that the extension of the period from 1925 to 1930 would bring in 100,000 cases?

Mr. ALLEN. No; the establishing of 1924.

Mr. REED. May I answer the question?

Mr. SHORTRIDGE. There is no retroactive feature in this bill.

Mr. REED. Mr. President, if the Senator will look at the middle of the first column of page 11309 of the CONGRESSIONAL RECORD of this session, he will see a letter from General Hines explaining the effect of this section.

Mr. SHORTRIDGE. Yes; that letter has been circulated about, and has been torn to tatters. It has been answered again and yet again. It is speculative. It is dismally prophetic, as though he were striving to build up a case, to erect a barrier. I do not claim to be a statistician, or a mathematician, or much of a logician, but I sometimes try to judge the future by the past. I know of no better standard of measurement. Nearly every one of the prophecies of the director is a prophecy not grounded upon established past facts. Moreover, he forgets the running of time. He forgets the death of men. There are from 70 to possibly 100 dying daily now. He forgets that some children once dependent are now 21 years of age, and in a few years there will be no dependent children to come in under

this legislation, for they will have reached the age of 21 years, and will, of course, be off the roll.

Mr. McMASTER. Mr. President, if I may ask the Senator, when General Hines appeared before the committee last week, had all the amendments to the bill been made by the Finance Committee at that time, so that he had before him the bill which is now before us when he made the statement about the $74,000,000?

Mr. SHORTRIDGE. I think we had practically concluded the consideration of the bill. I think it was merely left then to the experts to put it into shape.

Mr. REED. General Hines never made any estimate of $74,000,000, did he, Mr. President?

Mr. SHORTRIDGE. No; not in so many words; but his office was there represented daily before the committee, and he has never dissented before the committee from the estimate made by his office.

Mr. REED. But he testified in detail to the items that were contained in this letter, and his testimony before the committee was the same as in the letter, and his representative—I suppose the Senator refers to Major Roberts——

Mr. SHORTRIDGE. I do, as one.

Mr. REED. His representative testified as to the cost of the legislation; he was asked out of a clear sky to estimate its cost, and he said it would run from $75,000,000 to $100,000,000. That was a pretty good guess for a guess made under those circumstances.

Mr. SHORTRIDGE. His figures are here still, in pencil, and the conclusion reached was as I have stated. He could not with accuracy say that it would be just so much, to the cent, yet, by common opinion of the committee, it would be between $74,000,000 and $75,000,000. Of course, some cataclysm, something extraordinary, something unnatural, might occur which would run it up somewhat, but nobody ever thought, as of then, that the minimum would be $102,000,000. Nor does he take account of this $25,000,000 which I have mentioned. Nor does he take account of the $3,000,000, which is not properly chargeable to this bill.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Arkansas?

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. When the proposed amendment presented by the Senator from Pennsylvania was offered to the Committee on Finance in a somewhat different form, was the opinion of the Director of the Veterans' Bureau obtained by the committee on the merits of the proposal?

Mr. SHORTRIDGE. I think probably the Senator from Massachusetts [Mr. WALSH] could better answer that question.

Mr. ROBINSON of Arkansas. May I ask who presented to the Committee on Finance the amendment now offered by the Senator from Pennsylvania?

Mr. SHORTRIDGE. I should have said the Senator from Texas [Mr. CONNALLY] could the better answer that than I can.

Mr. BINGHAM. Mr. President——

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. I am seeking information.

Mr. BINGHAM. The Senator from Massachusetts and the Senator from Texas, if my recollection serves me correctly, proposed an amendment somewhat similar to that offered by the Senator from Pennsylvania, based on the present pension allowance given for disabilities to veterans of the Spanish-American War. As I understand it, the amendment offered by the Senator from Pennsylvania is based on the allowances made to veterans of the Spanish-American War 22 years after the war was over, in 1920, and therefore is considerably less, and the proposal was that it be based on the present pension of the Spanish-American War veterans, which I understood the President objected to.

Mr. ROBINSON of Arkansas. Mr. President, that is one of the things I am trying to find out, and I can not understand the mystery about it.

Mr. SHORTRIDGE. There is no mystery; I see no mystery.

Mr. ROBINSON of Arkansas. There seems to be some mystery about it. It appears that two Senators on the Finance Committee submitted a proposal different only from that now presented by the Senator from Pennsylvania in the amounts carried, recognizing exactly the same principle, and, of course, it would have occurred to anyone who has sufficient intelligence to serve on the Finance Committee to adjust the rates carried in the proposal then submitted to that committee. What I desire to know now is whether it was regarded by the committee as of sufficient importance to take the opinion of the Director of the Veterans' Bureau on the merits of the proposal and whether that opinion was actually taken.

The natural course to have pursued was to follow the matter out, to say that if the rates presented by the Senator from Massachusetts and the Senator from Texas were too high to reduce them, not to repudiate the principle, if the principle is now advanced as being sound, namely, service pension for disability.

Mr. WATSON. Mr. President, will all Senators yield to me a moment until I submit a unanimous-consent agreement?

Mr. ROBINSON of Arkansas. I myself submitted a request for an extension of the time for discussion from 3 o'clock until 5 o'clock.

Mr. WATSON. I suggest that the Senator do it again.

Mr. ROBINSON of Arkansas. It was rejected. I stated then that I would submit another request.

Mr. WATSON. It is time now to do it.

Mr. ROBINSON of Arkansas. But I have been advised by a number of Senators that they will not consent to an extension of time under present conditions. In good faith I think the Senate ought to know more about the subject than it has yet learned. To me the statement of the Senator from California, in charge of the bill, has been illuminating. He has cleared up in my mind a number of matters that were quite confused.

The PRESIDING OFFICER. Senators will suspend while the Chair invites the attention of the Senate to the unanimous-consent agreement under which we are now operating:

> That after the hour of 3 o'clock p. m. on said day [to-day] no Senator shall speak more than once or longer than 10 minutes upon any amendment or the bill, and that prior to adjournment on said day the Senate proceed to vote upon any amendment that may be pending or that may be proposed, and upon the bill through its several parliamentary stages to and including final passage.

The hour of 3 o'clock having arrived, that part of the agreement now goes into effect.

Mr. SHORTRIDGE. I thank the Chair.

The PRESIDING OFFICER. The Senator from California has 10 minutes.

Mr. ROBINSON of Arkansas. Will the Senator yield to me?

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. I was about to say that I believe I ought to resubmit the request which was rejected an hour or two ago. I ask unanimous consent that debate continue without limit until 5 o'clock, at which time the limitation of 10 minutes now in effect shall be applicable, and that the time between now and 5 o'clock shall be equally divided, to be controlled by the Senator from California [Mr. SHORTRIDGE] for the bill, and the Senator from Pennsylvania [Mr. REED] for the amendment which he has presented.

Mr. SHORTRIDGE. I hope that will be granted.

Mr. McNARY. Mr. President, inasmuch as I submitted the unanimous-consent agreement under which we are working, if there be any proposed modification to consider, it should follow a quorum call, and I therefore suggest the absence of a quorum.

Mr. ROBINSON of Arkansas. A quorum call is not necessary.

Mr. McNARY. I would think it not necessary except that certain Senators have discussed the matter with me who ought to be present. I shall object until a quorum is called.

The PRESIDING OFFICER (Mr. COUZENS in the chair). If no one else will object, the present occupant of the chair will object to the proposed unanimous-consent agreement because of the presentation of the proposed amendment after the Committee on Finance had thoroughly discussed it. The present occupant of the chair objects.

Mr. ROBINSON of Arkansas. Then I call for the regular order.

The PRESIDING OFFICER. The Senator from California has 10 minutes.

Mr. BARKLEY. Mr. President——

Mr. SHORTRIDGE. I beg of the Senator not to take any of my time. I have only 10 minutes.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. Does the Chair hold that each Senator may have 10 minutes on the pending amendment and an additional 10 minutes on the bill and then 10 minutes on each succeeding amendment?

The PRESIDING OFFICER. Only 10 minutes upon the bill and upon the pending amendment. The unanimous-consent agreement provides—

> That after the hour of 3 o'clock on said day—
>
> Which is to-day—
>
> no Senator shall speak more than once or longer than 10 minutes upon any amendment or the bill.

It does not say "and the bill."

Mr. BARKLEY. If it had said "and the bill" it would have meant only 10 minutes in all; but if it says "or the bill" it means 10 minutes upon each. A Senator may speak upon either one only 10 minutes.

The PRESIDING OFFICER. When an amendment is pending a Senator is permitted to speak only 10 minutes upon that amendment.

Mr. BARKLEY. And 10 minutes upon the bill.

The PRESIDING OFFICER. Not while the amendment is pending.

Mr. BARKLEY. He may do so later?

The PRESIDING OFFICER. He may do so later on the bill. The Senator from California has the floor and has 10 minutes upon the pending amendment.

Mr. SHORTRIDGE. Mr. President, I have endeavored to clear up two or three of the principal amendments to the bill. There are 30 or 40 concerning which everybody agrees. I perhaps repeat myself when I say that the bill before us will not call upon the Treasury to pay more next year possibly than $75,000,000. That I say even though the present estimate of the Director of the Veterans' Bureau be correct, namely, that the amount is $102,000,000, for we have the right to consider that the bill relieves the Government from the payment of at least $25,000,000. Under the law, the Director of the Veterans' Bureau will follow the rulings of the Attorney General and the Comptroller General, Mr. McCarl, and pay the claims which have been rejected but which as of now are valid obligations of the Government.

It has been suggested in the letters read and in the remarks of my friend the Senator from Pennsylvania [Mr. REED] that the bill is a departure from the policy heretofore adopted. Why, Mr. President, it is following right along in the beaten path of the policy adopted. We are merely extending the time within which actions may be brought. We are adding by way of presumptions some diseases attributable to war service, and we are in every way following the policy of a compensation bill rather than a pension bill. The amendment proposed by the Senator from Pennsylvania is the departure, for it avowedly is a pension proposition. Emphasis, reiteration, restatement can not make that any plainer. It is true. It is a fact. Therefore why the outcry that the bill is a departure from the policy of the Government?

Ah, my friend from Utah [Mr. SMOOT] may say that it is a departure because we propose to recognize some cases which are the result of human misconduct. We already recognize them to the full. It may be that the Senate or the country does not know that we to-day recognize and care for the helpless veteran whose condition is a direct result of his alleged misconduct.

Where the man is helpless or bedridden, where he is blind, where he is a paralytic, where he is suffering from paresis, a poor human wreck, the Government reaches out its arms in kindness and in love and gives him shelter, trying to prolong his life when perhaps it were better if he went to sleep.

Perhaps it was because of some remark of mine that a rather violent speech was made against the provision of the bill which seeks to care for those young men, now grown older, who are suffering from so-called or, if it be, actual violation of law or misconduct. The time has come to speak in rather plain words. I can indulge in euphemistic phrases. I can gloss over ideas. I can hint and infer and insinuate. Perhaps I have a vocabulary copious enough to indulge in that sort of speech. But let us be a little frank as fathers. I undertake to say that Uncle Sam condoned every one of those offenses. He not only condoned them but he practically encouraged them, for over yonder in France, it may be the night or the day before the boy was going to the front to die, Uncle Sam condoned his offense if he wandered afield. If as a result of this misconduct he has become and is now a total wreck, under the law as it is he is eligible to enter a hospital and to be cared for the rest of his life. Is there any father or mother in America who would turn him out upon the streets to die a beggar?

Uncle Sam is the pater patriæ, the father of the country. He called his sons from the patriotic South, from the patriotic North, from the patriotic East, and from the patriotic West and sent them to fight, to suffer, if need be to die, in order that the flag of their patriot hearts might triumph. They marched, they fought, many died and sleep far from the land of their birth, one unknown but not unhonored sleeps at Arlington, guarded by a nation's gratitude and love. Some erred and suffer. Uncle Sam condoned and forgave. Shall we be less forgiving?

The VICE PRESIDENT. The time of the Senator from California has expired.

Mr. SHORTRIDGE. I will speak on amendment No. 1.

The VICE PRESIDENT. The Senator has been speaking on that amendment.

Mr. SHORTRIDGE. Then I will speak on amendment No. 2. May I not do that?

The VICE PRESIDENT. That may not be done.

Mr. SHORTRIDGE. Then I thank you, Mr. President, and later on, perhaps, I may finish that incompleted thought.

Mr. GEORGE. Mr. President, may I inquire what amendment is now before the Senate?

The VICE PRESIDENT. The first amendment of the committee, which the clerk will report.

Mr. GEORGE. I express the hope that the committee amendments may be accepted until we get down to the controverted sections of the bill. We very early will come to that part.

Mr. ROBINSON of Arkansas. What are the uncontroverted amendments?

Mr. GEORGE. This is not a controverted amendment at all, and until we get to section 200 of the bill we find practically no controversy.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. BRATTON. Let it be reported.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. On page 1, line 11, after the word "purposes," it is proposed to strike out "*Provided*, That in making regulations pursuant to existing law with reference to home treatment for service-connected disabilities, the director shall not discriminate against any veteran solely on the ground that such veteran left a Government hospital against medical advice or without official leave; the director" and to insert the word "and," so as to read:

That section 5 of the World War veterans' act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes and shall decide all questions arising under this act.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 4, after line 2, to strike out:

All property acquired by the Board of Managers of the National Home for Disabled Volunteer Soldiers under the act of May 29, 1902 (32 Stat. 282), known as the Battle Mountain Sanitarium, is hereby transferred to and the title thereof vested in the United States. The jurisdiction and control of said Battle Mountain Sanitarium, and the Battle Mountain Sanitarium Reserve created under the act of March 22, 1906 (secs. 151–154, title 24, U. S. C.), are hereby transferred to the United States Veterans' Bureau, and any unexpended balances of appropriations therefor are made available for expenditure by said bureau.

Mr. McMASTER. Mr. President, I hope the Committee on Finance will not insist upon this particular amendment which they have proposed. There are peculiar circumstances surrounding the disabled veterans' home at Hot Springs, S. Dak.

In the first place, it is ideally located for an institution of this kind, and particularly for disabled veterans. We have more days of sunshine there probably than in any other city in any other State where one of the old soldiers' homes is located. We have a splendid climate. We have mineral waters of all kinds of curative properties. We have hot and cold water of all temperatures. The reason why the disabled veterans will not attend or go to that hospital is because of the food that is served there. As the Senate well knows, the food allotment for the veterans of the World War in their hospitals is $1 a day more than it is in the homes for the veterans of the Civil War. With a hospital there we appropriated for 178 beds for veterans of the World War. On account of the excellent surroundings and the curative properties of the mineral waters it is an excellent location for such use, and, by transferring jurisdiction of that home to the Veterans' Bureau, the additional food can be provided.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. McMASTER. I yield.

Mr. BINGHAM. A member of the board of trustees of the soldiers' homes appeared before the committee and explained that if the committee amendment were not adopted and the provision were left in the bill as the Senator desires, some 300 old gentlemen, veterans of previous wars, would have to find a place elsewhere or would have to be moved.

Mr. McMASTER. Is the Senator sure that that statement is correct?

Mr. BINGHAM. I have no means of verifying it, I will say to the Senator, but that is what the member of the board of trustees said to us.

Mr. SMOOT. That was the testimony of Gen. George H. Wood.

Mr. McMASTER. Of course, the president of the board, to which the Senator refers, would be loath to relinquish control of any one of these institutions; but General Hines has recommended this proposal; the American Legion has recommended it; it went before the committee of the House, and the committee passed favorably upon it, and the House of Representatives likewise passed upon it. That was the report made to me by the chairman of the committee in the House having charge of veterans' legislation.

Mr. SMOOT. I think that the report——

Mr. McMASTER. Does the report show the contrary to be true?

Mr. SMOOT. I have the report here; but the question arose, I know, when the bill was being considered by our committee, and the statement to which reference has been made was made to me before I went to the committee, and I there asked the question as to whether it was so or not and I was told it was. I do not know anything except so far as the statement made is concerned.

Mr. BINGHAM. Mr. President, the reason I voted for this amendment in the committee was simply and purely because we were told that about half the beds in the hosiptal were occupied by aged veterans of the Civil War, who did not want to move out; that they had no other place to go, except some strange home; and it was to prevent the necessity of their being moved that the amendment was adopted.

Mr. McMASTER. I wish to call the Senator's attention to the fact that before the Committee on Finance now there is pending a bill that places the jurisdiction of all the soldiers' homes under the Veterans' Bureau. Certainly in that case the veterans of the Civil War would not be dislodged from these homes.

Mr. BINGHAM. If that bill shall pass, that which the Senator wishes to see done will be done; but if that bill shall not pass and this amendment shall be adopted, it will mean the discomfort and inconvenience of some 300 aged veterans, who will have to be moved far away to some other soldiers' home in order that the beds in this hospital may be available for veterans of the World War.

Mr. SHORTRIDGE. I will say to the Senator from South Dakota that I think the situation to which he has reference will be taken care of in another bill.

Mr. McMASTER. The other bill has been before the Committee on Finance since April, 1929, and it is quite apparent that the Committee on Finance is not in favor of the bill and does not propose to recommend its passage.

Mr. SMOOT and Mr. GEORGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from South Dakota yield; and if so, to whom?

Mr. McMASTER. I yield first to the Senator from Utah.

Mr. SMOOT. I merely wish to say to the Senator that the bill is before the committee, but it has an adverse report.

Mr. McMASTER. Naturally.

Mr. President, in view of the fact that Congress has appropriated money for 178 beds for veterans of the World War in this institution, and that such veterans will not go there on account of the food, it seems to me that this amendment ought to be adopted. I can not agree with the Senator from Connecticut that its adoption would result in dislodging the old soldiers to whom he has referred.

Mr. SMOOT. That is what General Wood stated.

Mr. GEORGE. Mr. President, may I say to the Senator from South Dakota that the committee first agreed to the amendment and was perfectly willing that the hospital be taken over by the Veterans' Bureau, but when the trustee representing the institution appeared and filed objection to the amendment the committee simply deferred to his wishes; that is exactly what happened.

Mr. McMASTER. It is perfectly natural that the president of the board of trustees should appear before the committee and object that the jurisdiction of any one of these institutions should be transferred to the Veterans' Bureau, because, of course, the members of the board are opposed to such a policy, and if one were transferred I presume there would arise a feeling that they would lose control of all; but there are most peculiar circumstances concerning this institution at Hot Springs.

Mr. BINGHAM. Mr. President, I wish the Senator would tell us what will become of the 300 veterans of the Civil War if the hospital to which he refers shall become a World War veterans' hospital when the veterans there now did not serve in the World War. Will they not have to be moved?

Mr. McMASTER. I do not think they will have to be moved. This amendment simply places the jurisdiction of the home in the Veterans' Bureau; that is about all it does; it will not result in dislodging a single veteran of the Civil War. I hope, Mr. President, that the chairman of the committee will recede from the position taken, and agree that the committee amendment may be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. SMOOT. Mr. President, it was the unanimous opinion of the committee that the provision to which he refers should not be agreed to, and I have no authority now to yield because of the fact that I was instructed by unanimous vote of the committee to report the bill as it is.

Mr. McMASTER. The committee simply hears the statement of the president of the board of trustees, and then adopts that statement.

Mr. COUZENS. Mr. President, will the Senator from South Dakota yield to me?

The VICE PRESIDENT. The Senator from South Dakota has exhausted his time.

Mr. COUZENS. I merely wish to say to the Senator that it was not merely the objection of the president of the board of trustees that caused us to eliminate the provision.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I inquire whether the Senate is considering amendments reported by the committee?

The VICE PRESIDENT. By unanimous-consent agreement committee amendments were first to be considered, as the Chair is advised. The present occupant of the Chair was not in the chair at the time the agreement was entered into.

Mr. WALSH of Montana. I have an amendment at the desk, which I desire to present at the proper time.

The VICE PRESIDENT. The amendment of the Senator from Montana will be in order when the committee amendments shall have been disposed of. The next committee amendment will be stated.

The next amendment of the Committee on Finance was, on page 4, line 20, after the word "yearly," to strike out "renewal" and insert "renewable"; in line 25, before the word "term," to strike out "renewal" and insert "renewable," and on page 5, line 5, after the word "yearly," to strike out "renewal" and insert "renewable," so as to read:

SEC. 3. That section 16 of the World War veterans' act, 1924, as amended (sec. 442, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Title III deposited and covered into the Treasury to the credit of this appropriation, shall where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of Title III hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum, including all premium payments, is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the previsions of Title III, including the refund of premiums and such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the awards by the director."

The amendment was agreed to.

The next amendment was, on page 9, line 14, after the word "amended," to strike out the colon and the following additional proviso: "*Provided further*, That in connection with adjudication of the claim of Hal R. Johnson X C423904, the director shall make payment of the amount of the adjusted-service certificate in accordance with the last will and testament of the deceased," so as to read:

The term "claim" as used in this section means any writing which alleges permanent and total disability at a time when the contract of insurance was in force, or which uses words showing an intention to claim insurance benefits, and the term "disagreement" means a denial of the claim by the director or some one acting in his name on an appeal to the director. This section, as amended, with the exception of this paragraph, shall apply to all suits now pending against the United States under the provisions of the war risk insurance act, as amended, or the World War veterans' act, 1924, as amended.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

SEC. 7. That section 30 of the World War veterans' act, 1924, as amended (sec. 456, title 38, U. S. C.), be hereby amended by adding thereto a new subdivision to be known as subdivision (e), and to read as follows:

"(e) The director may authorize an inspection of bureau records by duly authorized representatives of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924, as amended, under such rules and regulations as he may prescribe."

Mr. ROBINSON of Arkansas. I propose an amendment to the committee amendment which I think the Senator from California [Mr. SHORTRIDGE] may approve. On line 8, after the word "representatives," I move to insert "of the American Veterans of All Wars and," so as to read:

The director may authorize an inspection of bureau records by duly authorized representatives of the American Veterans of All Wars and of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924—

And so forth. The existing law referred to as "section 500" does not mention the organization to which I am referring. It does mention other organizations. I take it that the omission is an oversight and that the intention is to give to representatives of all these organizations the opportunity to make the inspections which are authorized by this section.

Mr. REED. Mr. President, will the Senator from Arkansas permit a question?

Mr. ROBINSON of Arkansas. Certainly.

Mr. REED. I never heard of an organization called the American Veterans of All Wars, but if there be such an organization, it can, under section 500 of the veterans' act, be admitted to these privileges by order of the director.

Mr. ROBINSON of Arkansas. The other organizations are expressly named, and I am suggesting that this organization be placed on an equality with those which are named.

Mr. REED. Can the Senator tell us something about the organization to which he refers?

Mr. ROBINSON of Arkansas. Yes. It is an organization that has its headquarters in Muskogee, Okla. I do not know the number of its members, but it is represented by Mr. J. H. Stolper, and I think there can be no objection to extending this privilege to that organization.

Mr. SHORTRIDGE. Is it the opinion of the Senator from Arkansas that the organization referred to would not have the privilege under existing law?

Mr. ROBINSON of Arkansas. The organization is not named as among the organizations whose representatives are entitled to make the inspection. They feel that that is a discrimination. I ask that the amendment to the amendment may be agreed to.

Mr. SHORTRIDGE. Personally I have no objection to the amendment to the amendment.

Mr. SMOOT. Let the amendment to the amendment be agreed to, and we may look into the matter in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Finance was, on page 12, line 12, after "Sec.," to strike out "7" and insert "8," and in line 13, after the word "amended," to strike out ("sec. —, title 38, U. S. C.)," so as to read:

SEC. 8. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 37, and to read as follows:

"SEC. 37. Checks properly issued to beneficiaries and undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished, or, until three full fiscal years have elapsed after the end of the fiscal year in which issued."

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to strike out:

SEC. 8. That a new section be added to Title I of the World War veterans' act, 1924, as amended (sec. —, title 38, U. S. C.), to be known as section 38, and to read as follows:

"SEC. 38. The director is hereby authorized to purchase uniforms for all personnel employed as watchmen, elevator operators, and elevator starters in the Arlington Building, city of Washington, D. C."

Mr. GEORGE. Mr. President, the pending amendment does not involve a controversial matter, I take it, but I am availing myself of the opportunity of speaking upon other provisions of the bill.

This particular amendment proposes to strike out a provision inserted by the House authorizing the director to provide uniforms for elevator starters, and so forth, in the Veterans' Bureau in the Arlington Building, in this city. I presume the committee amendment will be approved by the Senate.

Mr. BINGHAM. Mr. President, will the Senator from Georgia yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. GEORGE. I can not yield just now. Inasmuch as the next section of the bill is controverted, I wish to speak upon the pending amendment now, and then shall avail myself of the opportunity of speaking 10 minutes on the latter amendment, if I may.

Mr. President, the veterans' bill, which is now before the Senate, came to this body on the 25th day of April, practically 60 days ago. On the following day I gave notice from the floor that unless the Finance Committee proceeded with the hearings upon the bill, I should move to discharge the committee from the consideration of the measure, and to bring the bill to the floor of the Senate. Notwithstanding that statement, and notwithstanding daily efforts upon my part, it was not until the 1st day of May, as I recall, when hearings were actually commenced.

Mr. SMOOT. Mr. President, will the Senator from Georgia yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. I will not yield just now, because I am speaking under the 10-minute limitation.

Mr. SMOOT. It would not take me very long to make my suggestion.

Mr. GEORGE. After the hearings, Mr. President, which were unduly protracted—and I am speaking frankly and candidly about it; time does not permit redundant statement—the committee reported the bill to the Senate on the 11th day of June—I am speaking of calendar days—thereafter, and on every day subsequently, practically, I sought to get the measure before the Senate for consideration. Between the time the hearings were closed and until the Finance Committee reported the bill, I made repeated appeals for the consideration of the proposed legislation.

When the Finance Committee was considering the bill in executive session the proposal was made by the Senator from Texas [Mr. CONNALLY] and the Senator from Massachusetts [Mr. WALSH] to substitute for section 200 of the bill, the controversial section of the bill, the Spanish-American War pension act, which, in principle, is exactly the proposal now made by the Senator from Pennsylvania [Mr. REED].

Some of us of the committee voted against that proposal, but we did it—and I believe it was understood by the entire committee—solely because we believed the President would not approve the bill. We did it because we knew that to substitute the provisions of the Spanish-American War pension bill would carry the cost of this bill practically up to the limit of cost of the House bill, if not in excess of it. But when the provision was first submitted, by an affirmative vote of the Finance Committee it was tentatively accepted. There was an adjournment of the committee overnight, with the understanding, at least, that some one would approach the President and ascertain the views of the administration. The following day, when the matter was again voted upon, the proposal made by the Senators from Massachusetts and Texas was rejected by the committee, because it was ascertained that to substitute the provisions of the Spanish-American War pension bill would carry the cost of the bill very much above the cost of the bill as finally reported out of the Finance Committee; and the committee was led to believe, at least, that the proposed substitute was unacceptable to the administration. The amendment suggested by the Senator from Texas and by the Senator from Massachusetts was a much fairer bill, a much juster bill than the Reed substitute, in that it placed the veterans of the World War upon the same basis as the Spanish-American War veterans. The Connally-Walsh substitute provided compensation, or disability pension, of $20 per month for a 10 per cent disability with a $60 maximum for permanent total disability.

Now let me analyze the substitute offered by the Senator from Pennsylvania. He proposes to pay to the disabled veterans of the World War, if they are 25 per cent permanently disabled, $12 a month; if they are 50 per cent permanently disabled, $18 a month. General Hines testified before the committee that taking the seventy thousand and odd veterans who are not to-day drawing compensation, of whom 72 are dying per day, the average disability is only 43 per cent. So under the amendment offered by the Senator from Pennsylvania, the first 70,000 veterans, seventy-odd of them dying every day, will on the average fall not under the 50 per cent permanent disability, because the average disability of these veterans is only 43 per cent, but they

will be rated and pensionable at 25 per cent permanent disability. They will draw the handsome sum of $12 per month.

There is not anything in this proposal for the veterans of the war—nothing to commend it to Senators who wish to do justice to the disabled veterans—except the thought that it does give some compensation, however inadequate, to all of the disabled soldiers. In that respect I agree with the Senator from Pennsylvania; and if this administration now will send to the Senate the assurance that he will approve the substitution of the Spanish-American War pension act, I will go with him and support his proposal. It will not cost less than the bill we now have before the Senate, however, but it will cost considerably more immediately; but I would be willing to support such a proposal if given assurance that the President wished it. Under the substitute now presented by the Senator from Pennsylvania [Mr. REED] the 70,000 to 100,000 severely disabled veterans who now draw no compensation will on the average receive but $12 a month. Some of them, of course, will draw $18. Some few of them will draw $24 for 75 per cent permanent disability; but the majority of them, and the vast majority of them, will draw $12 a month.

The VICE PRESIDENT rapped with his gavel.

Mr. GEORGE. Mr. President, now let me add to that.

Mr. REED. Mr. President, a parliamentary inquiry: Has not the time of the Senator expired?

The VICE PRESIDENT. The Senator's time has expired.

Mr. GEORGE. Very well, Mr. President. I have no objection to the amendment now before the Senate.

Mr. SMOOT. Mr. President, I think the reference of the Senator from Georgia to the slowness, if it may be called such, of the Finance Committee in considering this legislation, is very uncalled for.

I want to say to the Senator—and he knows it to be true—that during that whole time I stood upon the floor of the Senate for 10 hours each day. We had the tariff bill before this body all the time. I told the Senator that the minute it was out of the way I would call the committee together; and I called the committee together just as soon as the tariff bill passed.

If this bill had been reported out to the Senate, we could not have done a thing with it. The tariff bill was the unfinished business. I think the statement is uncalled for, because I say to the Senator that there never was a time when I thought for a minute that there would not be action taken upon this bill. The very first opportunity that I had, or that the members of the committee had, they were called together for the consideration of the bill. I think the consideration of the bill took about three or four days, and then it was reported out.

I felt like saying that, not only in my own behalf but in behalf of the other members of the committee.

Mr. BINGHAM. Mr. President, before this amendment is voted on, I should like to call the attention of the Senate to the fact that this amendment is contrary to the views of the Director of the Veterans' Bureau when he asked that a new section 38 be put in, as was done by the House, and that he be authorized to provide uniforms for all personnel employed in the Veterans' Bureau Building, and that it was stated to the committee that the reason for this was as follows:

Frequently, soldiers who are without friends and without knowledge of any person in Washington come here to Washington to try to get their claims straightened out, to try to get the compensation straightened out for themselves and their friends. They finally find this great, big building, with all its thousands of clerks. They wander around, frequently in distress mentally, frequently in distress bodily. It was the belief of the director of the bureau and his assistants that if the paid employees of the building with whom these soldiers first come in contact, namely, the watchmen, the elevator operators, and the elevator starters, were put in uniform it would add greatly to the comfort and convenience of the veterans coming to do business at the Veterans' Bureau and would cause them a great deal less suffering, and would materially increase the efficiency of the service and the comfort and convenience of veterans.

I hope this amendment may not be agreed to.

Mr. ROBINSON of Arkansas. Mr. President, what would be the cost of the provision?

Mr. BINGHAM. We were not told the exact cost; but as there are not a large number of elevators or watchmen, the cost certainly would not be very large; and since the director of the bureau has been very anxious to keep down the cost, it is obvious that he would not be asking for it if the cost were great. He believed it well worth the expenditure.

Mr. REED. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. REED. I am told that the cost of the provision, which was stricken out by the committee, would be $1,800.

Mr. McKELLAR. Mr. President, I want to speak for just a few moments about the amendment of the Senator from Pennsylvania. I am opposed to that amendment. I am in favor of the bill as the committee has reported it.

We remember that whenever, or nearly whenever, an important soldiers' bill comes before the Senate or before the Congress, we have a report from Mr. Mellon, the Secretary of the Treasury, usually indorsed by the President, that they have not the money to make the payments under the bill. We remember, when the bonus bill came before the Senate several years ago, that there came profoundly doleful kinds of letters from the Secretary of the Treasury, and a report from the President at that time also, saying that the Treasury balance would be wiped out, would be swamped; that we did not have the money to pay the bonus bill, and that the country would go to the bowwows if the bill passed. It will be remembered that the Congress passed it, and the Treasury paid it without trouble. There has not been any trouble about that act at all; and, instead of not having the money, we have from time to time reduced taxes and have paid the bonus, too. It did not cause the slightest trouble to the Treasury, notwithstanding all the direful predictions by the Secretary of the Treasury.

It will be remembered also that when the Congress recently passed the Spanish-American War pension bill the President found some excuse to veto the bill. The Congress passed the bill over the President's veto, and the country is still going on as usual, notwithstanding the like doleful predictions of the Secretary. So at this late hour, at the very close of the session, after there is an agreement to vote and a limitation on the time when we are to vote, when the Secretary of the Treasury and the President come down with the hair-raising statement that we have not the money to make the payments under the bill, that there will be a deficit in the Treasury, I do not think we ought to pay a great deal of attention to it. We might well, in light of previous like predictions, wholly ignore it.

Mr. President, when a soldiers' bill comes before the Congress, the President of the United States is very keen to find reasons for not signing it; but when there is a proposal to reduce taxes on those who are able to pay taxes, that is a very different thing. If a proposed measure will reduce taxes upon the great, rich corporations and individuals of the country, or to restore or refund taxes to such taxpayers, the Treasury, according to the Secretary, is always able to pay.

It will be remembered that last winter it was said by the Secretary and the President that we were collecting too much money; and we refunded, as I remember, some $161,000,000 to the wealthy taxpayers of the country. Oh, yes; it is perfectly right, perfectly appropriate, perfectly easy, according to the administration, to return to the wealthy taxpayers of the country taxes that have already been collected; but when there is a movement on to give the soldiers what is their due, we have not the money in the Treasury! The Secretary is again mistaken.

Another thing must be remembered, Mr. President, while we are considering this matter. It will be remembered that this very Secretary of the Treasury has been for years refunding not only to the rich taxpayers, principally to the war profiteers, from $150,000,000 to $200,000,000 a year, for taxes that were paid more than 12 years ago, most of them war-profits taxes, by men who never went to the war, men who stayed here and got wealthy while these boys went and fought and won the war. Oh, yes; the Secretary is paying back secretly, and he will not have any publicity about it, to the war profiteers something like $150,000,000 to $200,000,000 a year, and there is plenty of money in the Treasury to pay it back. There is not a word about the Treasury being in trouble when it comes to returning to the war profiteers taxes paid 10 years ago.

Why, Mr. President, do the Secretary of the Treasury and the President have so much sympathy for the war profiteers and so little sympathy for the soldiers who fought for their country? Why do they prefer to look after the war profiteers rather than those boys who were maimed and wounded in their country's defense? It is all right to aid the war profiteers; the Government has plenty of money to do that; but when the proposal is to give a pension to a disabled soldier, to a maimed or sick soldier, to a soldier who risked his life for his country, while those very war profiteers were profiteering upon the country, immediately the cry goes up by the President and Secretary of the Treasury, "We have not the money; we can not pay it!"

Mr. President, as it seems to me, the Senate ought to do its duty to-day, and that duty is to pass this bill as the Finance Committee has reported it out. If the President wants to veto it, let him do it. That is his responsibility. That is not ours. What we ought to do is to do our duty. I do not believe this last-minute appeal that the Treasury is in trouble and can not pay this sum.

Mr. President, I desire to call attention to, and ask to have printed as a part of my remarks, an editorial that appeared in yesterday's Washington Post entitled "Mr. Mellon's Opinion." It begins:

The business men of the United States have the greatest respect for the opinions of Andrew W. Mellon. They regard him as the best-informed man in the country on financial and business conditions, and they place the highest value upon his ability to foresee the trend of events.

I am not going to read it all. It is a panegyric upon the great business capacity and the great influence of the Secretary of the Treasury, written by the editor of the Washington Post. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post of Sunday, June 22, 1930]

MR. MELLON'S OPINION

The business men of the United States have the greatest respect for the opinions of Andrew W. Mellon. They regard him as the best-informed man in the country on financial and business conditions, and they place the highest value upon his ability to foresee the trend of events. A few of Secretary Mellon's measured words sweep away the mountain heaps of rubbish put forth by croakers who, for political or selfish reasons, picture the new tariff law as a disastrous enactment. In response to the question whether, in his opinion, the tariff law would adversely affect business interests and retard a business recovery, Mr. Mellon said:

"I do not believe that it will. It seems to me that fears and criticisms have been greatly exaggerated. Whenever a new protective tariff law has been enacted gloomy prophecies have been made. They have failed to materialize as far back as I can remember, and my memory goes back many years. * * * The notion that this law is going to destroy our foreign trade, expressed in some quarters, is certainly without foundation. The United States will continue to buy a vast quantity of foreign products and to sell the products of its farms, mines, and factories all over the world. * * * The enactment of this measure brings to an end 15 months of uncertainty. American industries now know where they stand and will, I am confident, adjust themselves without difficulty to new conditions. * * * While it is true that there is a sharp increase in rates applicable to the agricultural schedule, generally speaking, other rates can not be said to have been advanced sufficiently to alter substantially our existing economic position. * * *

"In short, it seems to me that the final enactment of the tariff law, far from placing new obstacles in the way of business recovery, removes one by eliminating the uncertainty of the last 15 months and by its promise of more business-like revision in the future makes a definite contribution to business stability."

Every business man would do well to clip out this statement by Secretary Mellon and hold it against any and all "gloomy prophecies" uttered by politicians, international bankers, and internationalists generally. Business is neither Democratic nor Republican. Democratic business men gain nothing by joining the anvil chorus against a measure which "makes a definite contribution to business stability."

The talk of reprisals by foreign nations is ascertained to be nonsense. Foreign tariffs are already higher than the new American tariff, as a rule, and yet superior American goods, moderately priced, are successfully competing with foreign wares in all markets. A few short-sighted American producers who sell abroad are willing to sacrifice their countrymen's tariff protection for the sake of obtaining lower foreign tariff rates on their own commodities, but happily they can not destroy the American protective system. Their own prosperity depends upon the prosperity of the United States, which is their biggest market. They are saved from their folly by the new tariff law.

Mr. McKELLAR. Mr. President, think of this panegyric, and then see what happened.

Mr. President, that very day an article appeared, in the New York Times, with the heading:

One hundred stocks break to year's new low. Entire list sinks as selling pressure against leaders is intensified.

The article goes on to state that notwithstanding Mr. Mellon's advice, the business men of New York sold those stocks. Business men paid no more attention to Mr. Mellon's opinion than if it had not been given.

I ask that that article may be printed in the RECORD as a part of my remarks, together with another short article.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

100 STOCKS BREAK TO YEAR'S NEW LOWS—ENTIRE LIST SINKS AS SELLING PRESSURE AGAINST LEADERS IS INTENSIFIED—PIVOTAL ISSUES HARD HIT—STEEL GOES DOWN TO 154—ALL WHEAT OPTIONS BELOW $1—COTTON OFF $2 A BALE

More than 100 stocks reacted to the lowest levels of the year yesterday as selling pressure was intensified against United States Steel, General Electric, American Can, and other market leaders. The wide-open break on the stock exchange was accompanied by fresh weakness in the commodity markets, with every future delivery of wheat selling at $1 a bushel or less and cotton losing $2 a bale.

The declines in the stock market were severest in some of the pivotal issued to which Wall Street is accustomed to look for a steadying influence. United States Steel, upon which selling has been concentrated for some weeks, went into new low ground for the year, and at the bottom for the day, 154, was only 4 points above the extreme low reached in the market collapse of last November. Its net loss was 2¾ points, while other prominent issues ended the day with declines ranging from 3 to 9 points.

ONE MILLION NINE HUNDRED AND SIXTY-SIX THOUSAND SIX HUNDRED AND TEN SHARES CHANGE HANDS

Allied Chemical was off 15 points when trading ended. American Can was off 5⅞ points at the close; General Electric, 3⅝; Westinghouse Electric, 4⅜; American Machine & Foundry, 8; American Telephone & Telegraph, 3⅜; American Tobacco, 9; Atchison, Topeko & Santa Fe, 4¾; Brooklyn Union Gas, 5½; Columbian Carbon, 9¼; Consolidated Gas, 4⅝; Houston Oil, 3⅛; Eastman Kodak, 7; National Biscuit, 3⅞; Bethlehem Steel, 2½; Union Carbide, 3⅜; Standard Oil of New Jersey, 1⅞; and Vanadium, 3¾.

The market caught the full force of the selling movement at the opening, when big blocks had to be absorbed. Radio opened with 10,000 shares at 35⅛, off ⅞ point, and United States Steel, with 8,000 shares at 156, off 2. Initial transactions of 5,000 shares, or slightly less, were recorded in several other issues, the opening prices in all instances showing an overnight depreciation.

Prices fell gradually from the opening until shortly before the close, when there was a feeble rally. For fully an hour and 45 minutes, however, stocks were fed out on a descending price scale. In all, 1,966,610 shares changed hands. This turnover, while not unusually heavy for a Saturday, was at the rate of almost 5,000,000 shares for a full five-hour trading day.

MELLON STATEMENT DISREGARDED

Wall Street was surprised at the vigor of the selling movement, particularly since it came on the heels of reassuring statements from Washington on the effects of the new tariff legislation. Contrary to custom, the financial community chose to disregard the latest statement by Secretary of the Treasury Mellon, that in his opinion the new tariff rates will not retard the recovery of business. Ordinarily Mr. Mellon's views are greeted with enthusiasm in the financial district, but this time, to the surprise of many, the stock market, instead of giving a demonstration of strength, actually pointed downward. Brokers in their week-end comments indicated their belief that more powerful influences are necessary to resuscitate the market at this time.

It was apparent that bearish professionals were resuming activity in aggressive fashion and on a broad front. This was suggested as only one of the explanations for the day's weakness.

Mr. McKELLAR. Mr. President, I have inserted these articles to show that even the business world does not any longer believe that Mr. Mellon is infallible. Indeed, Mr. Mellon's statement made on Saturday, no doubt for the purpose of sustaining the market, had no such effect. Indeed, the market broke and caused the greatest losses of any day for some time. So that we find that panegyric is wholly unjustified. Mr. Mellon's opinion is no longer one to conjure with. Business men disregard his views.

Mr. President, in other words, the Secretary has just cried "trouble" too often when he is opposed to a measure, and has praised too often when he favors a measure. Whenever there is a soldier's bill before Congress, according to the Secretary, the Treasury is in awful shape; it can not pay; the money is not there, says the great Secretary of the Treasury. But when it comes to refunding taxes in enormous sums of one hundred and fifty to two hundred million dollars a year, there is plenty of money in the Treasury! "Come and get it, O you profiteers of the late war! Come on and get what is coming to you! Come on and get it as much and as often as you desire!" And when it is to refund taxes already paid by the great interests, there is always plenty of money!

Mr. President, I hope the Senate will not be scared by these statements from the White House, and from the Secretary of the Treasury, but that this bill as prepared by the committee, which would have gone through without a hitch or a bobble if it had not been for this last-minute scare put forth by the Secretary of the Treasury and by the President, will be passed. I hope the Senate will do its duty, and pass this very deserving bill. It is a fair and just measure of relief to the sick, maimed, and wounded soldiers.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the word "amended," to strike out "(sec. —, title 38, U. S. C.)"; in line

8, to strike out "39" and insert "38"; and in line 9, to change the section number from 39 to 38, so as to read:

SEC. 9. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 38, and to read as follows:

"SEC. 38. The Secretary of War is hereby authorized and directed to transfer to and accumulate in the War Department in the city of Washington, D. C., all records and files containing information regarding medical and service records of veterans of the World War: *Provided*, That the necessary appropriation to accomplish the transfer of such records and files is hereby authorized."

Mr. GEORGE. Mr. President, as I was attempting to say when I was interrupted by the expiration of my time under the amendment just adopted, the amendment offered by the Senator from Pennsylvania will give to the 70,000 men suffering the greatest disability less than a 50 per cent rating, on the average, and they will, of course, come under the 25 per cent provision and draw the handsome sum of $12 a month.

As to the other 200,000, all of them will get something, according to the Senator's contention, except—and this is a very important exception—those who are less than 25 per cent permanently disabled. If they are 20 per cent disabled, 23 per cent disabled, 24½ per cent disabled, they will not get a penny, and just as many will fall outside of the amendment offered by the Senator from Pennsylvania as will fall outside of the bill as reported by the committee. So that the Reed substitute does not compensate every man disabled in the World War; it will exclude all of those not having a permanent disability of 25 per cent or more. More than one-half of the most grievous cases will receive only $12 per month.

Mr. President, not only is that so, but as to the 70,000 to 89,000 veterans, approximately 90,000, let us say, suffering the greatest disability, and rated 43 per cent disabled, on the average, it must be borne in mind that that average is the average of veterans disabled from 10 per cent to 100 per cent, whereas the proposal of the Senator from Pennsylvania begins with a 25 per cent disability. So that, under the Senator's amendment, the veterans who are most disabled would be rated somewhere between 40 and 50 per cent disabled, and would draw $12 a month on the average.

Mr. CARAWAY and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator yield; and if so, to whom?

Mr. GEORGE. I yield first to the Senator from Arkansas.

Mr. CARAWAY. Permit me to yield to the Senator from Pennsylvania.

Mr. REED. I just wondered if I understood the Senator. Does he contend that, by the exclusion of the low percentages, the percentage of those who are left would be less than 43 per cent or would be more than 43 per cent?

Mr. GEORGE. It would be less than 43 per cent, because there would be so many deductions from it, and you will not be able to obtain your average from so large a total.

Mr. REED. Is it not self-evident that the excluding of the less——

Mr. GEORGE. We will not quarrel about it. When, under the Senator's amendment, no veteran would be compensated unless he were 25 per cent permanently disabled, there would be turned away, without compensation, more soldiers than under this bill, although the only merit of the Senator's amendment is, as he asserts, that he proposes to compensate every disabled man, and I again repeat the substitute would give to the cases suffering the greatest degree of disability the magnificent average of $12 a month, because they would in any event be rated less than 50 per cent disabled.

Mr. President, that is all I can say about the substitute in the limited time I have. Within the fraction of 10 minutes remaining to me I wish to say just this, that it is true that this amendment does move forward the presumption date to January 1, 1930, but that does not move forward the disabilities of these men. Some of them have been disabled since the peace treaty was signed. Certainly many Senators have cases before the Veterans' Bureau to-day which have been pending for several years, some eight, some seven years, and we have not been able to obtain for the veteran what we believe to be justice.

I grant that after the amendment of the act, which raised a presumption in favor of the veteran, relief was given to many soldiers, but many were not relieved. The Government may rebut the presumption which arises in every case, except in those which are now entitled to the conclusive presumption under the law as it now stands.

Why should we not put the burden on the Government rather than on the soldier? I have great admiration for General Hines and the personnel working under him, but the trouble with the bureau is that it is filled with doctors from roof to cellar, and they are undertaking to administer justice according to their scientific views of what is justice. If they were to deal with the cases in a common-sense way, there would be little trouble with the law as it stands, and 90 per cent, perhaps, of the men who will benefit by the presumption raised in the bill before the Senate would to-day be drawing compensation.

As long as medical experts construe the law technically, we ought to place the burden upon the Government, we ought to give the service man the presumption that his disability resulted from service, and let the Government, with all of its power, rebut that presumption, bring in its proofs, and not deprive the man of some consideration by his Government merely because he can not establish his case.

If one loses his birth certificate, he can not prove to the satisfaction of many of the doctors in the bureau that he is actually alive, and if one loses his marriage certificate, he is decidedly out of luck when he passes under the scrutiny of some of the highly technical men in the bureau. I am not criticizing. I am simply saying that when men apply their scientific standards and definitions, they frequently do not work human justice, and that is precisely what has happened in the administration of this law. It is through no fault of General Hines. It is simply the system that has grown up in the bureau.

When the presumption date is moved up to January 1, 1930, only a negligible number of men who have not been knocking at the doors of the bureau for an average time of more than 3 years, and many of them for 6 or 7 or 8 years, will be admitted. We are not creating new diseases, new disabilities; we are merely giving to these men the presumption that their disability had its connection back in the service, and we are saying to the Government, "If you can rebut that, all good and well, we will deny compensation, but we will not longer deny the soldiers compensation because they can not meet your technical requirements, and comply strictly with all the medical requirements of the bureau, highly technical, as many of them are."

Mr. President, I have nothing to say about the provision with reference to the willful misconduct of a veteran, contained in this section. It is so hedged about and so restricted that no diseases which can be charged to the vicious habits or misconduct of the soldier, except venereal disease itself, can be compensated for. The law otherwise is exactly as it stands to-day. Disability resulting from venereal disease, which is made compensable, must have occurred during the actual period of the war.

The VICE PRESIDENT. The Senator's time has expired.

Mr. REED. Mr. President, just a word on the subject last mentioned by the Senator from Georgia.

We might as well call a spade a spade. Under the law as it stands to-day, a soldier who is blinded or paralyzed as a result of venereal disease contracted by him is not denied compensation. The bill which the Finanace Committee has reported continues that provision, and I make no complaint of that. But it also provides that a soldier who is disabled in any other way, in any other degree, or with any other symptoms, from venereal disease contracted by him while in the service in the war, shall not only be treated by his Government, but paid by his Government; he shall be compensated for disabling himself while serving as a faithful soldier.

Mind you, willful misconduct as applied to venereal disease means venereal disease caught otherwise than by honest accident. It does not prohibit compensation to a soldier who might innocently have contracted venereal disease while behaving himself. But this bill provides that a grateful Government shall not only treat in its hosiptals men who, through their own misconduct, have contracted venereal disease, but shall pay them as if they had been wounded in action for an act which disabled them from serving their Government as a loyal and faithful soldier would do.

I do not believe, Mr. President, that the people of the United States, when they learn about this, will approve the action of the Congress in enacting any such legislation. I hope that when section 200 is voted on by the Senate it will be with a full and open-eyed realization of the provisions we are making. Understand, if you please, that under the very best interpretation we may put upon the bill as reported by the Finance Committee, there will remain about 200,000 disabled men who will get nothing, no matter how faithful was their service in war time. Understand that while that is so, it is proposed to vote money payment to men who by their own vices brought venereal disease upon themselves at a time when the country needed them.

Mr. GLASS. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. REED. Certainly.

Mr. GLASS. Has any amendment been proposed to the section covering that very objection?

Mr. REED. Yes; I have proposed such an amendment.

Mr. STECK. Mr. President, I have not heard all the debate on the bill, but I have heard in part at least the remarks of the Senator from Utah [Mr. SMOOT] and the Senator from Pennsylvania [Mr. REED]. I heard particularly their remarks with reference to the vicious-habits clause. It was my privilege, the same as it was the privilege of the Senator from Pennsylvania, to have served during the late war. I had men under my command, as he had.

I want to say in the first place that if there has been any intimation gained by the country or by Senators that the men who served in the past war were not average men and that their conduct was not at least the average, or I would say above the average of men in the country to-day, they are absolutely mistaken. They were a fine bunch of men. While they were in the Army their cleanliness, morality, and sobriety averaged away above those of men of their ages in the United States in those days and in these days.

It is said that we are granting these men hospitalization and compensation for having a venereal disease. Senators lost sight of the fact that thousands of men were brought into the Army and accepted when they had a venereal disease at the time they entered. They were accepted by the Army and kept in the Army in spite of the fact that they had the disease. As I understand it, such an order came out, at least, as a part of the draft movement. Men were brought into the Army in considerable numbers who had a venereal disease when they were accepted.

From my own observation I know there were men who came into my own organization who had venereal disease, but all the time they were in it, during the two years I had them under my command, never did I have any knowledge or information of a new case of venereal disease occurring in my organization.

I will say for the benefit of the Senator from Utah that, because he read his speech, he knew what he was saying. He stated that men voluntarily incurred this disease for the purpose of being kept out of the front lines and the fighting. Such a statement should not have been made. He has no record of any such case, I am sure, and he can not produce such a record before this body or any other body.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. STECK. Certainly.

Mr. SMOOT. I have taken the evidence of men who, I think, ought to know.

Mr. STECK. The Senator did not make it as a statement. He made it as an assumption that it may have happened.

Mr. SMOOT. I stand by the statement I made.

Mr. STECK. If the Senator has any evidence, I would be glad to hear it.

Mr. SMOOT. So far as I am concerned, I made the statement upon evidence that I feel is absolutely correct.

Mr. STECK. Was that evidence produced before the Finance Committee in the hearings?

Mr. SMOOT. No; it was not before the committee, I will say to the Senator.

Mr. STECK. I am sorry the Senator made the statement.

As for myself, I state that the men with whom I served and the men with whom other Senators served were not that type of men. I think the statement is entirely unjustified and should not have been made on the floor of the Senate.

Mr. SMOOT. It had no reference to any man unless he was guilty.

Mr. STECK. I realize the Senator is usually accurate in these matters. I am questioning the source of his information, if he has any definite information along that line at this time.

Mr. BRATTON. Mr. President, before addressing myself to the pending amendment, I ask to have two telegrams read by the clerk.

The VICE PRESIDENT. The clerk will read, as requested.

The legislative clerk read as follows:

FORT BAYARD, N. MEX., *June 21, 1930.*

Hon. SAM G. BRATTON,

Senate Office Building, Washington, D. C.:

Many thanks your wire Rankin bill. Suspense and anxiety among veterans becoming more intense each day; uncompensated disabled boys dying rapidly. One case in particular very pitiful. Man named Reynolds died here last week without compensation. Had most brilliant war record of any man ever died this hospital. Participated nine engagements World War, including five major ones. Received two citations for bravery. Not sick enough for country to compensate. Evidently yet sick enough to die. Please acquaint Senate this case. Do all you can; men in dispair.

ETHEL MARY WARDSWORTH, *Secretary.*

FORT BAYARD, N. MEX., *June 23, 1930.*

Hon. SAM G. BRATTON,

Senate Office Building:

Please present this message as petition to Senate from all uncompensated disabled veterans. Future of thousands of penniless disabled men and their destitute families rests in your hands to-day. They depend on you to dispense to them this distressingly needed relief by voting for the Rankin bill with all possible speed. Can not possibly carry on until another Congress meets.

JAMES FOY, *Chairman.*

Mr. BRATTON. Mr. President, the theory upon which the amendment proposed by the Senator from Pennsylvania [Mr. REED] rests is in the nature of a pension; that is to say, upon the basis of need. It may be that the time soon will come when the theory of compensation to the veterans of the World War should be placed upon that basis, but I think the Congress has not given sufficient time nor consideration nor hearing to a change of policy, a change of basis so comprehensive as that.

The veterans throughout the country have been given no notice that the Senate contemplates making any such change in dealing with them. They have had no adequate opportunity to express themselves respecting any such proposal. For that reason alone, Mr. President, I should disapprove the amendment of the Senator from Pennsylvania. Before we take that step the veterans of the country should be advised that it is to be considered and they be given the opportunity to express themselves, because, Mr. President, they have some rights, indeed the superior rights in this legislation; they have some interest, indeed the paramount interest in the subject now pending. They are the ones who will be affected by the action taken.

But aside from and above that feature of the situation, the amendment can not be condemned in too strong language when it is borne in mind that the Senator from Pennsylvania proposes to compensate a veteran who is 25 per cent disabled by giving him the handsome sum of $12 a month; by compensating an ex-service man who is 50 per cent disabled by granting him the munificent sum of $18 per month; by compensating the former soldier 75 per cent disabled at $24 per month, and the defender of his country now totally disabled at $40 per month—a mere pittance in view of the conditions under which we live and under which these men live. They are the patriots who served in time of need. Yet when we are remitting $160,000,000 in taxes, when we are appropriating money for every conceivable purpose, when there is no limit to appropriations for constructive work throughout the country and I make no criticism of that now, we hesitate, draw back, and shrink from a bill to compensate veterans of the World War.

Mr. President, the agitation which is going throughout the country against this legislation emanates from an unfriendly attitude toward it, and not from the standpoint of the dollars and cents involved. We appropriate money for rivers and harbors. We appropriate money for public buildings throughout the country. We appropriate money for every conceivable purpose and the sky seems to be the limit; and yet on the eve of adjournment a bill is brought here when the gavel is almost falling proclaiming adjournment, and we are told we must have more time, that we are proceeding recklessly and without adequate deliberation and calmness, and with disregard to the Treasury.

Mr. President, the amendment should fail. It should be rejected decisively on account of the figures involved, if for no other reason.

Mr. BARKLEY. Mr. President, I am opposed to the amendment offered by the Senator from Pennsylvania [Mr. REED] on its merits, and I am also opposed to it because of the fashion in which it comes before the Senate.

When the pending bill was under consideration in the Committee on Finance, it being based on the provisions of the House bill, we proceeded for some time in an undertaking to adjust the presumptive clause of the measure, and certain other provisions looking to the care of disabled veterans who are not now provided for. During the deliberations of the committee a proposal was made in the form of a substitute, offered, as has already been indicated by the Senator from Texas [Mr. CONNALLY] and the Senator from Massachusetts [Mr. WALSH], which provided for what was equivalent to a service disability pension, regardless of service connection, based on a 60 per cent allowance for the nonservice-connected disabilities as compared with service-connected disabilities; in other words, if a disabled man tracing his disability to the war, would draw $100 per month another ex-service man, equally disabled but unable to trace his disability to the war, would draw $60 per month.

About that time Congress passed the amended Spanish-American War veterans' bill which raised the maximum pension to $60. Finally, I think, a substitute was offered in committee

to apply the same rule to the veterans of the World War. That proposal would have involved in 1931 the expenditure of $86,000,000 and would have benefited 304,000 men; for 1935 it would have benefited 741,000 men and would have involved an expenditure of $274,000,000. We had a roll call in the committee on the proposition and it was tentatively adopted by a roll call of a majority of the members. It was then suggested that before the committee finally concluded its action upon that proposition majority members would like to confer with the administration—to be frank about it, to confer with the President. The next day the report came back that the President had been conferred with, and many of those who had voted to insert that provision on the day before changed their votes, and the proposed amendment was eliminated.

Now, it comes in here accompanied by a fanfare of trumpets and pessimistic predictions on the part of the Secretary of the Treasury, and everybody else connected with the administration, that if we shall pass this bill now before us, as reported by the Senate committee, there is to be an immense deficit in the Treasury of the United States and an increase in the taxes for 1931. The Senator from Pennsylvania was not in the committee at the time; he was away on other important business which attracted his attention and his activities.

Mr. President, under the bill now reported by the Finance Committee General Hines estimated that the cost would amount the first year to about $74,000,000. Those figures have been increased to $102,000,000, I believe, in the latest statement from General Hines. I am not questioning his sincerity about it; he has always given himself sufficient leeway to increase the figures, if necessary, because he said the minimum would be $71,000,000, I believe, and the maximum about $400,000,000, and that gives him a great deal of space to move up and down, as the occasion may demand.

The Reed amendment, if adopted for 1931, will cost, according to the Veterans' Bureau, a little over $22,000,000 for 1931, and will benefit 164,000 men. By 1935 the cost will have risen to $70,000,000 annually, and the provision will benefit 400,000 men.

Mr. President, I think we have arrived at a situation where we have got to pass this bill substantially as it has been reported by the Committee on Finance or take chances of having no legislation whatever. If we shall send the bill back to the House of Representatives with the Reed amendment attached, or anything similar to it, it will make it necessary to send the measure to conference, and we know, Mr. President, in view of the maneuvers that have taken place with respect to the management of this bill heretofore, that it will be unsafe to send the bill to conference. In my opinion the probabilities are that if we pass the bill substantially as reported by the committee, the House will agree to the amendments of the Senate, and the bill will go on its way to the White House.

What about the scare as to a deficit in the Treasury? On the 19th day of this month, which was last Thursday, according to the statement of Mr. Ogden Mills, the Undersecretary of the Treasury, there was a surplus of $146,000,000 in the Treasury of the United States. It is estimated that on the 1st of July there will be in the neighborhood of $150,000,000 surplus, and that takes into account the fact that Congress has given back to the people $160,000,000 in taxes for this year. If we had not done that, the surplus would have been over $300,000,000 on the 1st day of July of this year.

Mr. President, we recall, as has already been indicated, that every time we have tried to reduce taxes in the Congress of the United States below the figure recommended by the Secretary of the Treasury there has come forth a doleful suggestion that if we carried out our intentions and our wishes there would be a deficit in the Treasury, but on each occasion those predictions have come to naught. Sometimes we have reduced the taxes below the estimate of the Secretary of the Treasury, and in spite of his predictions the smallest surplus was $132,000,000 and the largest was over $600,000,000.

Furthermore, everybody knows that when we reduced taxes in 1930 by giving back to the people $160,000,000 it was done with the understanding that it was temporary; it was done against the objection of many economists that it was unsound action to take; and everybody understands that it was done for only one purpose, and that was to stimulate confidence in the stock market and help stop the panic. It came on the very heels of the stock-market crash in the month of November, 1929. It was thoroughly understood that the decrease in income taxes was only for the year 1930, and that the rate existing prior to the action taken by Congress would automatically go back into effect on the 1st day of January, 1931.

So when we consider that, in spite of the expenditures for the fiscal year 1930, had it not been for the $160,000,000 which were returned to the people in the way of income taxes there would be a surplus of more than $300,000,000 in the Treasury on the 1st day of July, I think we may, with a good deal of safety, discount the doleful predictions of the Secretary of the Treasury that the enactment of the pending legislation will make it necessary not only to return to the income-tax rates in effect for 1928, but may make it necessary to increase the taxes above the rate for that year.

But suppose it shall be necessary, Mr. President; suppose we can not carry the decrease in income taxes for 1930 over into 1931; if uncompensated veterans of the World War are dying at the rate of 75 a day, if they are suffering from injuries for which they ought to be compensated, and the American people owe it to them to compensate them, why should we haggle over a 1 per cent automatic increase in our taxes to take effect on the 1st of January, and which everybody understood would take effect and will take effect unless Congress sees fit to enact another joint resolution relieving incomes of 1930 from the higher rate of taxation for the year 1931?

I do not wish to impute to the Senator from Pennsylvania anything except the highest motives of patriotism; I acknowledge gladly his interest in the World War veterans, and I acknowledge his service to his country not only in war but in peace; but it is a peculiar coincidence that on the very heels of these predictions of the Secretary of the Treasury, as he has outlined them to the President, on the very day when we are expected to vote on this bill, the Senator from Pennsylvania comes in here with his miserable substitute for the proposition that was offered in the committee and rejected by the committee on the recommendation, so we were told, of the President of the United States.

This bill passed the House carrying $181,000,000. There was not a word of protest from the Secretary of the Treasury; not a word from the administration. It came over here, and was referred to the Committee on Finance, still carrying $181,000,000 as a minimum, and there was no protest from anybody. It came out of the committee, on the floor of the Senate, carrying an estimated minimum of $74,000,000, with no protest from anybody until the day on which we are called on to vote on it; and then we are suddenly alarmed by the proposal that if we spend $74,000,000 to relieve disabled veterans, we are to have an increase in taxes in the United States! I hope the amendment of the Senator from Pennsylvania will be defeated and that this bill will pass as it now stands.

The VICE PRESIDENT. The time of the Senator from Kentucky has expired.

Mr. COPELAND. Mr. President, if I know anything about the sentiment of this country, I think there is a universal desire that the veterans shall be well compensated.

One of the things that has grieved me in all of our debates over compensation for the veterans has been this specter of the Treasury. In 1924 I introduced a cash bonus plan. The Treasury opposed it because if we paid this cash bonus, it was said, the taxes could not be reduced. Whenever we hear about any plan for compensation, about more generous treatment of the veterans of any war, we find the question raised at once, "What effect will it have on the Treasury?" To my mind, it is a very sordid reason to set up against justice to these men; it is cruel and selfish to raise the question of the cost to the Treasury of the United States.

If I know the spirit of my State, I know that it will gladly contribute its 30 per cent of the taxes necessary to run the Government and to pay this bill. I believe that the sentiment of the people of my State is in favor of liberal treatment of these veterans.

I could not support the amendment offered by the Senator from Pennsylvania [Mr. REED]. He provides that for total permanent disability the amount is limited to $40 per month. Further that disability must not be paid unless the person who applies for it is entitled to exemption from payment of a Federal income tax. In other words, the certificate of poverty which we voted down in the Spanish War veterans' measure is set up again here—that the man must be poverty stricken as well as totally disabled before he can have this pittance paid to him!

Mr. President, criticism has been offered of the bill. I heard the Senator from Pennsylvania this morning read a list of disabilities which are included on page 75 of the schedule of the United States Veterans' Bureau. He did not seem to leave out anything. I think almost everything in the way of disease is included there; but the presumption is conclusive in two diseases only—in tuberculosis and in spinal meningitis. In spinal meningitis, the evidence would be there and the disease could be recognized at once. There would be no question about it. There is no doubt in my mind that if a man is suffering from active tuberculosis at this time, unquestionably his service had much to do with the acquisition or at least the aggravation of the disease.

Always, as I see it, the burden of proof should be on the Government. I think that should be the attitude of the Veterans' Bureau. I said that in speaking at a dinner given to General Hines when he was first appointed to this position. I think he has done his job well; but at that time I said this: "If there is a question between the United States Government on the one hand and the veteran on the other, always the benefit of the doubt should be given to the veteran." Here, however, the matter is safeguarded in every other disease except spinal meningitis and tuberculosis. The presumption of service connection can be offset by any clear and convincing evidence that the Government may give; and in that case certainly no injustice can come to the Government. If I had my way I would be still more generous as regards the veteran.

Now, we come once more to the much-mooted question about compensation for the effect of willful misconduct.

Mr. CARAWAY. Mr. President, before the Senator leaves that subject may I ask him a question?

Mr. COPELAND. Certainly.

Mr. CARAWAY. Referring to this presumptive origin that the veteran is given to start with, what is that going to amount to with a board that already says that it is impossible for a disease manifesting itself now to have had its origin from service connection? Will they not reject his claim immediately when he applies?

Mr. COPELAND. Oh, no; I do not think so. I take a more generous view of the board's attitude than that.

Mr. CARAWAY. I should like to see the matter guarded better than that. I have had a great deal of experience with the Veterans' Bureau, and a great deal of the trouble in trying to establish service origin, even where nobody undertakes to say that the disability did not originate in the service; yet they refuse to accept it. I am afraid the veteran is going to find himself in trouble.

Mr. COPELAND. If I had my way, I would be more generous in such cases. But, if this bill passes, the veterans will have more relief and more chance of relief than they have ever had before.

To speak once more, and very briefly, about willful misconduct, certainly no man in his senses is going out deliberately to contract a venereal disease. I do not believe any man ever did; but, as I said the other day, when the war came on the long arm of Government reached out to every part of this great country and took these men. They were taken away from home influences, and from church influences, and from other moral influences; and there rests upon us an ethical obligation, as I see it, to compensate these men for paresis or paralysis or blindness or other disability which, because of war conditions, can be traced to "willful misconduct." Such men are charges upon some branch of government anyhow; and, since they have served their country, they might well be made charges upon the Federal Government.

Mr. President, I know that in the brief time allotted me I can say no more; but I do wish in the remainder of my time to have read from the desk a telegram I have just received from the Commander of the Department of New York of Disabled Veterans of the World War.

The VICE PRESIDENT. Without objection, the telegram will be read.

The Chief Clerk read as follows:

LIBERTY, N. Y., *June 22, 1930.*

Hon. ROYAL S. COPELAND,

United States Senate, Washington, D. C.:

As commamnder of the Department of New York, Disabled American Veterans of the World War, I humbly request that you read the following message to your colleagues in the United States Senate. I am humbly requesting that the Rankin bill (10381), in behalf of disabled veterans of the World War, disabled in the service of their country, be supported and passed by you worthy gentlemen, because these men have fought your battles and are now fighting their own daily battles of life, and doing it with the same smile as in 1917 and 1918 over there. At that time the slogan was "Give until it hurts." There was no distinction then and there should be none now. These veterans have given to their country their most valuable asset—their health—and no amount of money that their Government might give them could commence to repay them for their lost health and disabilities, and there is no Senator or Congressman that would exchange places with these veterans, no matter how slight their disabilities.

I sincerely hope that none of you Senators have a boy or a relative who is to-day suffering from a disability; and if you have, please remember that some mother or father has beneath his breast the same feeling as you have. I beseech you Senators to manifest the same spirit of comradeship as you would if these same boys were just going over there. Pass the above-mentioned bill, so that these boys' lives may be made more happy and contented. They are living souls now, and they can and will appreciate your support. The time to aid your fellowman is when he is alive and not when he has passed to that Great Beyond from whose bourne no traveler returns. The best for these veterans is none too good, and you all know that they deserve the best.

I thank you for your loyal support, and I can assure you that that giving of support will not hurt. We were all comrades then, and we should be comrades now.

Yours in comradeship,

HENRY C. JOHNSON,
Commander Department of New York, Disabled American Veterans of the World War.

Mr. CARAWAY. Mr. President, I think I realize the spirit of the Senate. I am sure it intends to pass the bill as it was reported from the Committee on Finance. I know that I am glad to support it in that form.

I wish that we had guarded the presumptive origin in the bill more than the present bill does, because while we give the veteran the benefit of the presumption that his disease was of service origin, it is very easy for a board composed, as this board is, of men who are technically trained to pass upon the origin of disease, to strip him of this right. One of the most valuable provisions, I think, in the bill is the right to go into court and have the matter determined by a jury.

The thing that impresses me most is that from listening to the debate one would imagine that the country is giving to these ex-service men a gratuity. Who owns the country? Who defends it, and who is to inherit it after the brief time when the men now in authority shall pass on? It is their country, and whatever this country has is theirs, and therefore it is not a gratuity. It is not ours to give. It is theirs. The money in the Treasury does not belong to those who temporarily may be in charge of the Treasury, and therefore it is not a question of what we shall do for them; it is what they are decreeing shall be done for them by themselves.

I recall that when the war was coming on I made a speech. I was advocating then that we should pay as we go. I said, "Unless you do it, eventually we shall be charging the men for the muskets they carry and the uniforms they wear"; and now we seem to have reached that position. Some seem to imagine that it is something that they have no interest in, that we are doling out this money to them. I do not feel that way about it at all, and I do not think Congress should.

I have for the Senator from Pennsylvania [Mr. REED] a very high regard indeed, although he unintentionally misled me when I asked him about his amendment. I thought his amendment purposed to give to every disabled soldier some compensation. I find that it does not; that even a larger number would be excluded under it than are excluded under the provisions of the present bill.

Mr. REED. Mr. President, where does the Senator find that?

Mr. CARAWAY. I find that from the fact that under the Senator's amendment no one, unless he has 25 per cent disability, can get a cent.

Mr. REED. Does the Senator think that would exclude two-thirds of them, as the present bill does?

Mr. CARAWAY. I do not think the present bill excludes two-thirds of them. If it does, I think that instead of establishing a policy to exclude, the next Congress will include the other two-thirds that are excluded now.

Society must take care of its wastage; I do not care whether it be by disease or by battle wounds. Somebody has to pay for it; and everybody realizes that $40 a month will not now care for one who is totally disabled. If you are going to say that a man must have no means—because you have that written into the amendment—and that you will give him $40, you might as well let him have nothing, because he can not live on it. He must eventually become a public charge upon somebody, and therefore it is not any relief at all.

If the Government itself is going to recognize its obligation to the ex-service men, let it do so on such a scale that they can live and not be public charges after it has been said that the Government has discharged its duty.

I do not know whether there will be a deficit or not if this bill is enacted into law; I am not much concerned, so far as my vote on this bill is to be controlled, about whether the guess of the Secretary of the Treasury is correct or not. I should vote for the bill if I knew a deficit would result. I would vote for it if I knew that an increase in taxes must come.

Under the same Secretary of the Treasury we gave away to France and Italy and other countries three times as much as this bill would cost the country, and we did it in the interest of international good will, or international trade.

We reduced the taxes in the high income brackets because it was said that the people were hiding away their money, that

we could get more money from them if we made the rate lower, in other words, that we could make them honest if we did not take quite so much from them, thus encouraging them to practice common honesty with the Government by reducing the rate. They have no right to complain. A majority of the men who benefitted by the lowering of the taxes, if they had been compelled to wear their country's uniform when these boys were wearing theirs, would not be paying the high income taxes they now pay. They profited by the opportunity which knocked at their doors, and they profited greatly by it. Now, should they complain because these men who made it possible for them to keep what they got ask that justice be done them?

I do not believe the country will sympathize with that view of the President of the United States and that view of the Secretary of the Treasury when they appeal to the Congress to refuse this justice because some taxpayer may have to pay a little more taxes.

I gladly support the bill.

Mr. CONNALLY. Mr. President, when the Finance Committee was considering this bill all of the arguments which have been presented here to-day were made before the committee and were considered by the committee. The Senator from Massachusetts [Mr. WALSH] and the junior Senator from Texas offered an amendment in the committee providing that all veterans disabled, whatever the cause from which the disability may have arisen, should be compensated on the same basis which we have adopted in the case of Spanish-American War veterans.

That amendment was offered because of the conviction that sooner or later this Government is coming to the policy of compensating all disabled veterans regardless of the source of the disability. We have done that in the case of the Civil War veterans, of the Mexican War veterans, of the veterans of the War of 1812, and now of the veterans of the Spanish-American War.

This bill is simply an indication that that policy will ultimately be adopted with reference to the World War veterans, because, by the amendments contained in the bill, a larger presumptive class is being created. But while a larger presumptive class is created, there are still left outside of the pale thousands upon thousands of veterans who are disabled, who need the Government's aid, and yet, because they are not suffering from some particular disease, they receive no benefit whatever.

To the extent of the principle I am in sympathy with the amendment offered by the Senator from Pennsylvania. The amendment offered by the Senator from Massachusetts and myself was adopted by the Finance Committee on one day, and then emissaries of the administration rushed up to the White House posthaste and came back on the following morning and said that that plan would not be approved by the White House, but not because it was not a sound principle. They said it was a sound principle, but they said it would not be approved because it did not fit the Budget as it had been cut by the Director of the Budget.

Mr. President, the Senate Finance Committee, obeying the behest of the White House, hurried their forces into the Finance Committee on the following day, took the amendment of the Senator from Massachusetts and myself out of the bill, and adopted the provisions now appearing in the measure. Yet this morning the Senator from Pennsylvania, who is a member of the Finance Committee and who, of course, is interested in this matter, but who never attended, so far as I recall, a single meeting of the committee when we were having a struggle over this proposition, now offers an amendment, so far as the principle is concerned, largely the amendment of the Senator from Massachusetts and myself, but with rates wholly inadequate, and rates which I can not support, even though I believe in the principle, as I have stated.

Mr. President, I recognize the fact that a veteran who can not connect his disability with the service should probably not receive as high a rate of compensation as the soldier who can connect his disability with the service, because we compensated them originally upon the theory of compensation and not a pension.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. NORRIS. I am interested in what the Senator has said about offering this amendment in the committee. Does the Senator mean that he offered this in the committee, and that it was agreed to in the committee, with the same rates provided that are in the bill now?

Mr. CONNALLY. No; the Senator did not follow me when I first began. I said our amendment provided the same rates which are provided for the Spanish War veterans, a maximum of $60 a month, a minimum of $20 a month, for 10 per cent disability.

Mr. NORRIS. That was the amendment which was voted out after consultation of members of the committee with the President?

Mr. CONNALLY. It was. I assume they consulted the President. The matter was postponed from one day to the next, after being adopted, for final action, with the statement that the leaders would consult the President. I do not know whether they did so or not.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield, although my time is fast being exhausted.

Mr. SMOOT. I do not know what members of the committee saw the President, or whether any of them did. I will say to the Senator that I did not, and I will also say to the Senator that there were Democrats on the committee who voted against the proposition, and there were only a few who voted for it.

Mr. CONNALLY. The Senator now is trying to drag in politics.

Mr. SMOOT. No; I am not at all.

Mr. CONNALLY. The Senator from Utah will not deny that the day we adopted the amendment the statement was made that we would not take final action until the following day, in order to give the leaders time to consult the White House.

Mr. COUZENS. Mr. President, will the Senator yield to me?

Mr. CONNALLY. I yield.

Mr. COUZENS. The Senator recalls very well that the Senator from Utah and the Senator from Indiana were delegated to see the President and advise the committee the next day whether he would sign such a proposal, and the next day the vote was taken, and the tentative agreement to accept this provision was voted down.

Mr. CONNALLY. That answers the Senator from Utah.

Now, Mr. President, one other word. Scientists have never gotten to the point where they have been able to devise an instrument which can detect the very moment when a bug or a microbe attacks a human body. The decision of these boards in the Veterans' Bureau are largely guesswork, so far as telling whether a man's disability is connected with the service or is not connected with the service. When, some years after a soldier leaves the service, his health breaks down, nobody can then look back through the years that have passed and see the very moment he was attacked by a bug or a microbe.

My belief is that when a soldier has fought the battles of his country and is physically disabled the Government ought to see to it that he is not in want, and for that reason I advocated the amendment proposed by the Senator from Massachusetts and myself. But the rates proposed in the amendment of the Senator from Pennsylvania are absolutely inadequate, they are little better than nothing, because they simply are offered as a stopgap to a more adequate pension in the future, and they will simply be used as an argument to keep from giving the veterans what they are really entitled to, based on the degree of their disability in the future.

Mr. President, Mr. Mellon is a fine authority on budgets, and dividends, and bank balances, and income taxes, but Mr. Mellon knows very little about hunger, he knows very little about want, he knows very little about a crippled soldier, with his body all broken and bent with disease, and with a family dependent upon him for livelihood. Mr. Mellon evidently measures this bill by the standard of money, pure and simple.

There is no argument from him here against the principle of the bill. What is the argument? The argument is that it would cost too much money. The argument is, "If we adopt it, we will be in a bad political attitude before the country; we will have a deficit instead of a surplus."

Mr. President, Mr. Mellon's argument does not go to the merits of the case. This bill lays down the argument why a soldier should be compensated for his disability. The only answer Mr. Mellon makes is to throw a dollar down on the counter, that is all. It simply means, it is contended, "We will be in an unfavorable position before the country. We want a surplus so that we can brag about our administration." But if this bill is adopted, no matter how just it may be, Mr. Mellon says "We will be in a bad political situation because we will have a deficit."

Mr. President, when I owe money at the bank I usually have to pay it even though I have to borrow to do so and without regard to the executive budget, and when the Government of the United States owes a debt to the soldiers who, in health and strength, carried the flag in the hour of danger, soldiers now diseased and disabled, the Government of the United States ought to discharge that debt, even though it may abash Mr. Mellon.

Mr. COUZENS. Mr. President, I want to say a few words with respect to the Reed amendment, and point out the inadequacy of the amounts allowed in the amendment.

Mr. Mellon says that we are unable to afford the bill as it was reported out of the committee. The principle involved in the Reed amendment was carefully considered by the committee, and nearly all of the committee thought that the proposal was sound. It was placed on the basis of the Spanish War veterans' bill, which the President vetoed and which was passed over his veto. There seems to be no sound reason why any proposal of this sort should carry a lower rate than the rate carried in the Spanish War veterans' law.

The Secretary of the Treasury harps upon the question of taxes which may have to be reinstated. He does not refer to any raise in the rates which now exist in the internal revenue act, but he refers to the reduction we made last January, against the better judgment of many of us, and fears that there will be no joint resolution next year cutting the taxes again 1 per cent, as we did this past year.

Let us look, for instance, at what taxes are paid to-day, under existing law. A man with an income of $10,000 a year has to pay an income tax of $52.50. It occurs to me that there is no one at this time paying income taxes which could be considered a burden to carry.

Everywhere we hear from the administration, particularly the Treasury Department, that we must relieve the burdens of the taxpayers. A man with an income of even a million dollars per annum has to pay only $230,870 in income taxes. So that on incomes from $10,000 up to $1,000,000 no one is injured by existing rates even though the 1 per cent reduction is not granted next year.

Mr. President, I want to say a few words with respect to the question of the pensions proposed by the Reed amendment, and to show conclusively that the provisions of the pending bill as reported by the Finance Committee are not extravagant rates of compensation for injuries.

It is well known that Mr. Ford recently requested the League of Nations to ascertain a compensatory rate for foreign workers in the Ford plants. On the basis of that request, the Bureau of Statistics in the Department of Labor made an inquiry and investigation to ascertain what the Ford workers do with their $7 per day minimum wage. Everyone knows that $7 per day for workers is considered in these days a very adequate return. The workers who could come within the range of the inquiry must work at least 225 days a year at $7 per day in order to be counted in to show what they did with their money. I have a copy of the bureau's report upon that inquiry, and, among other things, is the following, which has been taken out of the report by a newspaper here called Labor:

DIFFICULTIES ENCOUNTERED

"The group selected does not represent the earnings or the living conditions of the average Ford family, but what it is possible for a family to do in Detroit on $7 a day with as nearly full-time employment as is possible," said Ethelbert Stewart, commissioner of labor statistics.

The difficulty encountered in finding among the army of Ford workers 100 families which could meet the comparatively modest tests is in itself a revelation of living conditions among American workers, even when they are receiving wages far above the average paid in this country.

In many cases the Ford breadwinner had not worked 225 days a year. In others, the family had been able to augment their income in some fashion—keeping boarders, renting rooms, or sending the wife or children out to work, or in some other fashion.

It is interesting to note that the size of the family chosen is below the generally accepted average—two adults and three dependents.

WAGES AND EXPENSES

The investigation consumed about five months, and the report deals with what the families actually earned and purchased. There is no theorizing or other comment.

It was found that the average wage for the year was $1,694.43, while the expenditures amounted to $1,719.83, leaving an average deficit of $25.40.

Only 19 families broke even, 44 spent more than their income, while 37 were so fortunate as to save a little, usually in the form of payments on a home.

The latter showing, investigation disclosed, was made through rigid economy and self-denial.

Food, found to be the most expensive item and consuming nearly one-third of the income, amounted to only about $12 a person per month.

That is the minimum allowed to a veteran with a 25 per cent disability.

This meant that the fathers and the children carried cold lunches to work and school, and that the articles purchased, while adequate, were of the plainest description.

The father spent $63.39 and the wife $59.21 for clothes, with smaller amounts for the children.

AVERAGE BUDGET OF WIFE

This was found to mean that the father bought a hat, costing less than $4, once in 2 years; a suit, costing $27.43, about every 2½ years, and that he was only able to purchase an overcoat, costing $23.75, once in 7 years.

In the average budget for the wife typical items were a pair of cotton gloves once in 2 years, 3 hats, costing $2.55 each, in 2 years; 4 pairs of cotton hose, 35 cents a pair; a cotton dress, $1.74, and a rayon dress, $7.51. Her 1 nightgown in a year cost 87 cents, and her house slippers, 98 cents.

Housing, whether rented or in the case of the 32 families endeavoring to purchase a home on installment payments, averaged less than $33 a month.

This meant that the home consisted of one room to a person and that the kitchen was also frequently the dining room and living room. Heating by stoves was common and anthracite coal was a luxury, indulged in by only a few.

Furniture and articles for household use were almost invariably purchased on the installment plan. School expenses of the two children came to only $6.43 a year.

I could go on indefinitely and point out the difficulties that a family has in trying to get along on $5 or $7 or $8 per day; and yet Senators, newspaper editors, capitalists, and industrial managers generally complain because Congress is too liberal in compensating the veterans who staked their all to save our country. There are millions of war profiteers in the country now paying a modest income tax, and the whole opposition to the bill is based on the theory that we must not pay the veterans too much money, otherwise we may have to raise the income taxes of the war profiteers.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Finance, which will be reported.

Mr. LA FOLLETTE. Mr. President, there is no necessity to report the amendment now, because I do not expect to address myself to it in particular terms. I wish to speak in general, which is necessary, I may say, because of the unanimous-consent agreement into which we have entered.

Mr. President, the pending bill is not, in my judgment, an ideal measure. What a majority of the Finance Committee attempted to do was to take the bill as it passed the House, to amend it in such form that it would commend itself to a majority of the Senate and the people of the country as not being a too extravagant bill, and which would at the same time bring within the compass of its relief the veterans suffering most acutely and therefore most in need of aid at this time.

As has been pointed out in the debate, the intent of the amendment to section 200 is that it should continue in force only three additional years. In view of the discrepancy which exists in the treatment by the Government of the veterans of our different wars, we hope that Congress will make a comprehensive review of all pension and compensation legislation in an effort to bring all the veterans upon a basis of parity.

But, Mr. President, there are pressing and distressing cases concerning the veterans of the World War which I believe a majority of the Finance Committee felt could not wait for three years until Congress could take the time to evaluate all this legislation and to bring the treatment of the veterans of the various wars to a basis of parity.

The amendment to section 200 as reported by the Finance Committee will take care of the most distressing cases which were brought to the attention of your committee. It will take care of the mental cases. It will take care of the neuropsychiatric cases. It will take care of the active tubercular cases. It will take care of the chronic constitutional diseases. It will, in addition, bring the presumptive date down to January 1, 1930, for the diseases just mentioned, which will afford relief to a large number of veterans.

Mr. President, I share the sentiment expressed by other members of the Senate Finance Committee, that an unusual proceedure has been adopted concerning the REED amendment. After the committee had labored over the bill for weeks, after an amendment embodying the principles contained in the so-called REED substitute had been debated by the committee, and after it had become known by the committee that the amendment proposed by the Senator from Massachusetts [Mr. WALSH] and the Senator from Texas [Mr. CONNALLY] did not meet with approval at the other end of the avenue, and after a unanimous-consent agreement had been entered into, the Senator from Pennsylvania [Mr. REED] introduced his amendment at the last moment—an amendment which is not even printed. An analysis of the amendment will perhaps explain why.

In order to obtain any relief under the Reed amendment a veteran must be disabled to the extent of 25 per cent. The rates are perfectly inadequate as pointed out by the Senator from Michigan. Mr. President, it does not come gracefully

from Senators, many of whom voted to put the country into the World War, and who voted for the draft act to take these men and send them 3,000 miles across the sea to fight in a war on foreign soil at $30 a month, now to quibble as to whether or not we shall generously compensate those men thus taken to fight in that war.

I say to you, Senators, that we should not consider whether or not this legislation will make necessary the repeal of some or all of the tax reduction to the extent of $160,000,000 which was made in order to stabilize the stock market. No warning was issued by Secretary Mellon about a deficit then. The administration favored it. Even the Senator from Utah [Mr. SMOOT], in response to a question which I directed to him, admitted that no man could tell whether there would be a deficit or not if we made that $160,000,000 tax reduction, and yet an overwhelming majority of the Senate voted for it. If we can give $160,000,000 in tax reduction to the wealthy of the country and to the great corporations in order to "peg" the stock market in a speculative crash, it is not time now for the Senate to begin to study whether or not, if we give adequate relief to these veterans, we can still maintain that tax reduction.

It has been pointed out by the Senator from Georgia [Mr. GEORGE] that there are discrepancies in the bill. There are discrepancies in the existing law. The same arguments could have been made against bringing the presumptive date down to January 1, 1925, that are made against extending that date down to January 1, 1930. But I agree with the statement made by the Senator from Georgia after listening to all the testimony before the Finance Committee, that under the Reed amendment more men would be discriminated against than will be discriminated against under the provisions which are contained in the bill as reported out by the Finance Committee.

Some discussion has occurred with reference to erroneous estimates concerning deficits which Secretary of the Treasury Andrew W. Mellon has made since he was Secretary of the Treasury. May I say that I have not had a chance since the statement was made public this morning to review all of his declared predictions concerning a possible deficit in the event of the passage of this bill.

I venture the assertion, however—and I challenge any Senator to contradict it—that Andrew W. Mellon has never been right in any prediction which he has made as to a deficit in connection with a bill to which he was opposed. He was the most ardent opponent of the soldiers' bonus measure, and when the bill providing a soldiers' bonus was before the Congress he made a statement that, if passed, it would create a deficit of $600,000,000. Within 90 days, Mr. President, the Treasury found it politic to report a surplus and issued an estimate that the surplus was $300,000,000. So, as to that piece of soldiers' legislation, the so-called "greatest Secretary of the Treasury since Alexander Hamilton" was off to the tune of $900,000,000 in 90 days.

I am not the least bit concerned about thimble-rigged statements that are given out at the psychological moment in order to defeat a piece of genuine relief legislation on behalf of the soldiers who have served this country. [Applause in the galleries.]

The VICE PRESIDENT. Demonstrations of applause are forbidden by the rules of the Senate.

Mr. CUTTING. Mr. President, I had intended to say a few words about the message the President gave out this morning, and especially what seems to me to be the extraordinarily inaccurate letter from the Director of the Veterans' Bureau; but in the time at our disposal it is almost impossible to deal with the subject in any adequate way; so I prefer to consume my 10 minutes on this amendment by asking that the clerk read a letter sent to Representative JOHN E. RANKIN by the Disabled Veterans of the World War in Fitzsimons Hospital at Denver, Colo., because I consider that the attitude of these men who are actually suffering from the present situation is of far more importance than anything which any of us on this floor can say with regard to the pending proposed legislation.

The VICE PRESIDENT. Is there objection to the Secretary reading? The Chair hears none, and the Secretary will read.

The Chief Clerk read as follows:

[Telegram from the Disabled Veterans of the World War, Fitzsimons Hospital, Denver, Colo.]

DENVER, COLO., *June 23, 1930.*

Hon. JOHN E. RANKIN,
House of Representatives,
Washington, D. C.

* * * * * * *

An open letter to the President and Members of both Houses of Congress: It now seems certain that eleventh hour efforts are being furthered with the aim in view of finally defeating the pending veterans' relief legislation. Cognizant of the prevalence of this condition, the following is submitted by the uncompensated disabled veterans of this hospital.

Bearing in mind that Congress has with full administrative approval but recently enacted a certain law in the functioning of which some one hundred and ninety millions of dollars has been refunded to the income-tax payers of the Nation—there has also been divers other legislation enacted by the present session involving an expenditure of many other hundreds of millions of dollars thus far—we have heard of no secret conferences taking place that countenanced Treasury conservatism in these instances, but now on the very eve of congressional adjournment a secret conference is called with talk of a deficit if disabled veterans' relief is granted. Unfortunately the bulk of our great population and practically the whole of the five million men who fought and won the war are not of that type of citizenry whose incomes are of the proportions coming under the tax paying head. Ours has been the more common constituent type of citizen soldiery. We have paid with our lives, our bodies, and our health.

We disabled tubercular patients are still paying the price and will thus continue paying it till the final curtain is drawn and closes our earthly careers. To the patients of these hospital cots and the helpless husbands and fathers of broken homes the war goes on. Poison gas, fatigue, exposure, and incident hardships of soldier life have set the armies to work in our bodies that know no peace nor enemy retreat.

For us there has been no armistice, nor ever will be. Is a timely death destined to be the only peace treaty we will ever know? Is $15 or $20 per month donated by charity sufficient to maintain a mother and two or three small children in a living condition that could be considered as being decent?

A presidential suggestion in 1917 and a united Congress unanimously concurred in a declaration of war. As a result of that leadership hundreds of thousands volunteered and other millions were drafted into a service which risked our lives, our limbs, and our health. We were assured from the lips and the written words of our President and our legislators at the time that a grateful Nation, including, of course, its taxpayers, would see to it that we would be amply provided for in the event of our death or disability. To date has this promise been faithfully fulfilled or must the old-time traditional slogan which says, "A rich man's war and a poor man's fight," be destined to be in this instance, after all, a logically well-founded one? We are trusting that we have faithfully stood by our guns and made good our pledge. We are hoping also that our President, our Congressmen, and our taxpayers will make their pledge equally as good. As things stand at present, our position can be well thus defined, "A helpless man's war and a helpless man's fight." Are you going to be our saviors or our deceivers? We will soon know; in the meantime our faith in you remains unshaken.

THE UNCOMPENSATED PATIENTS OF FITZSIMONS HOSPITAL.
JOHN MAKAR, *Chairman.*
ROBERT E. MORROW, *Vice Chairman.*
HERMAN WILSON, *Secretary.*

The VICE PRESIDENT. The question is on agreeing to the amendment, which the Secretary will report.

The CHIEF CLERK. On page 13, line 6, it is proposed to strike out "(sec. —, title 38, U. S. C.)"; in line 8 to strike out "39" and insert "38"; and in line 9, after the word "Sec.," to strike out "39" and insert "38"; so as to read:

SEC. 9. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 38, and to read as follows:

"SEC. 38. The Secretary of War is hereby authorized and directed to transfer to and accumulate in the War Department in the city of Washington, D. C., all records and files containing information regarding medical and service records of veterans of the World War."

The amendment was agreed to.

The next amendment was, on page 14, line 13, after the word "provided," to strike out the colon and the following proviso:

Provided, That compensation shall not be denied any applicant therefor by reason of the injury, disease, aggravation, or recurrence having been caused by his own willful misconduct: *Provided further,* That such willful misconduct occurred during the period of enlistment of such applicant.

And to insert a semicolon and the following:

But no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided,* That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct.

So as to read:

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct."

Mr. REED. Mr. President, I move to amend the committee amendment commencing in line 21, on page 14, by striking out the words—

Or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom).

I wish to say a few words of explanation regarding the amendment.

The present law provides hospitalization for all venereal cases. It provides compensation for all those who are paralyzed, who are blinded, or who are bedridden. The language which I move to strike from the committee amendment would have the effect of requiring not only hospitalization, which now is provided, but in addition thereto compensation in money to those who while in the military service allowed themselves to be incapacitated for military service by contracting a venereal disease.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Washington?

Mr. REED. I yield.

Mr. DILL. What does the Senator propose to do in the case of veterans who have other afflictions and there is a reasonable doubt as to whether their condition is due to venereal disease or some other cause? That is the trouble to-day. We have many cases of men who have had venereal disease, and who also have other afflictions, and the doctors in the bureau continually resolve the doubt against the men and they have been getting no compensation. That is what I am concerned about in this bill.

Mr. REED. It is a question of fact in each case.

Mr. DILL. Oh, the question of fact is determined by the doctors who always resolve the doubt against the men.

Mr. REED. I am not so advised.

Mr. DILL. I am.

Mr. REED. It is a question of fact in each case, and Congress can not decide it. What we can do, however, is to say no to the proposition that the mere occurrence of syphilis or gonorrhea shall give rise to a claim against the Government under a bill which is supposed to give compensation for wartime disabilities.

The men who acquired these diseases unfitted themselves for service. Remember, in considering this question, that out of the 5,000,000 men who were in the Army not more than 1,000,000 ever heard a hostile shot fired; most of the men who would profit by the provision now in the bill are men who never left the United States at all; and for Congress now to inaugurate a policy of saying that soldiers in camp undergoing training may go out and get themselves infected in this way, and that then the Government will compensate them as if they had suffered heroically in battle would be a poisonous policy, and Congress ought not to adopt it without having its eyes wide open, because I do not believe——

Mr. ROBSION of Kentucky. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. REED. No; I do not yield. I do not believe that the people of the United States, when they learn what is done here, will for one moment approve it; I do not believe that cynicism has so far overwhelmed the people of this country that they are blind to right and wrong and that they are going to approve any such squalid exhibition of hysterics on our part as to afford such relief as is proposed in cases of the character referred to.

Mr. WALSH of Massachusetts. Mr. President, under the present law veterans who have contracted venereal diseases in the service may receive full compensation if their disease reaches the stage of blindness or paralysis, or if they become bedridden, but veterans who contract such diseases and do not reach that deplorable physical state receive no compensation.

The House bill provided that veterans should have compensation even if the disease was contracted due to their own willful misconduct. It was believed by the members of the Finance Committee that the words "willful misconduct" were too broad, and included compensation for diseases or injuries with which one might personally inflict himself, and which might have been contracted other than through venereal disease.

It will be observed that the Senate Finance Committee struck out the broad provisions of the House bill, and wrote a provision limiting compensation to veterans who contract not diseases caused by willful misconduct but venereal diseases only when actually contracted in the service.

I want to say for myself, and I think I express the sentiment of the committee, that I do not believe a government can escape the responsibility of recognizing as one of the casualties of war the fact of taking a boy 18 or 19 or 20 years of age away from his home and family and local environment, placing him in the Army of his country with strangers, placing him in an atmosphere of unusual excitement, of loose morals—the suggestion is made by the Senator on my left, a man who has had extensive military service—and placing him in a position where there are abnormal conditions of living, great excitement, and war tension.

I realize the position that others take; but I do not propose to deny a boy who, under those circumstances, actually during the war contracts a venereal disease the right to get compensation for it. Notwithstanding the fact that there are rules against it, and that he could be punished for it, I think we have to recognize the fact that that is a war condition for which we ought to assume the responsibility.

The Government took the boy away from his home and his church and his associates and his companions, and threw him into a new, unusual, and strange atmosphere, with extraordinary temptations and an abnormal manner of living. If, in the tense excitement of the war, he was misled by companions who led him to contract venereal disease, I do not think we can turn our backs upon him and say, "Not until you get blind, not until you get bedridden, not until you get paralyzed will we take care of you." I do not see how we can possibly escape the responsibility of attributing this disease to war service.

Therefore I think the amendment offered by the Finance Committee is a reasonably sane one, restricting it as it does to venereal diseases actually contracted during the war.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. ASHURST. Assuming that a young man, through his own willful misconduct in the war, contracts a venereal disease. Humanity must take care of him—either the county, the city, the State, the ward, or gifts from charitably disposed people. Should not the Government that called him into that service be the one that takes care of him?

Mr. WALSH of Massachusetts. The Government does give him hospitalization, but it can not leave him impoverished.

Mr. ASHURST. Yes; but I mean compensation.

Mr. WALSH of Massachusetts. I think it ought to be considered one of the casualties of the war—one of the diseases that are an outgrowth of the conditions that surround war.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. WALSH of Massachusetts. I do.

Mr. DILL. The trouble with the Senator's suggestion about hospitalization is that it does not care for them. There are too many who can not get hospitalization to-day.

Mr. WALSH of Massachusetts. I think the amendment offered by the Finance Committee is a reasonably sane one, and properly restricted. It should be adopted.

Mr. President, I now desire to speak briefly upon the bill in general.

The pending bill contains many splendid provisions both of an administrative character and in the nature of relief to thousands of diseased ex-service men and their dependents who otherwise

would receive no assistance from the Government. On this account I favor the bill, but I regret that a better and more comprehensive plan of relief has not been presented by the committee.

I think it unfortunate that more time and consideration at an earlier period in the session was not given to this very important measure in order that a definite settled policy might be shaped providing for a sound and equitable plan for the future in connection with veteran relief. I presented, together with the Senator from Texas [Mr. CONNALLY], such a plan looking into the future of this problem.

I believe we have reached the point with reference to the relief of disabled ex-service men of the World War where we must provide for those who are disabled as a result of disabilities acquired subsequent to their period of service. This bill enters into that domain of relief, but unfortunately it does it with no well-thought-out plan. The bill is not based on an equitable extension of relief for all disabled ex-service men during future years. It gives relief only in certain cases but does not adequately survey the whole problem.

The only way to deal with the question of veterans' relief is to treat all veterans on a parity. The pending bill does not do this. It extends relief to some deserving cases and it denies relief to many other veterans who are just as deserving. For every person receiving relief from this bill there are many others who are equally entitled to such relief. This is not only my belief but the belief of the United States Veterans' Bureau and all veterans' organizations.

Let me point out wherein this bill does not place all veterans on a parity.

Section 10 of the bill extends to those veterans who suffer with certain specified diseases disabling to a 10 per cent degree prior to January 1, 1930, a presumption that their disability was incurred in service. No one can dispute that in a certain number of cases that will receive a service presumption under this bill the disability was acquired after service. If this is so, then, this is a pension measure for non-service-connected disabilities. Yet, because of a false hypothesis, the veterans concerned are to receive a presumption that their disabilities were acquired in service and receive the same amount of compensation as the veterans actually disabled in line of duty during the war. I favor relief being extended to veterans who acquired their disabilities subsequent to war service, but I do not believe they should be on the same footing with veterans who acquired disabilities as the result of actual war service. The Government has always recognized this distinction. Furthermore, I can not reconcile myself to the equity of a provision which gives to the veteran who became disabled in December, 1929, from a certain disease compensation and then does not give compensation to the veteran who becomes disabled from the same disease in January, 1930 or later. There is no sound or equitable basis for such a distinction. I do not see how we can be equitable to all veterans, nor do I see any other direction in which to move in view of this section except to presume all disabilities, no matter when or where acquired, to have been incurred in the service. Because of these views I have reached the conclusion that the time has come to face the proposal of providing relief for all veterans suffering from non-service-connected disabilities, apart from and in a class distinct from veterans suffering from disabilities connected with service.

I favored and urged upon the committee that before we enter into the domain of making several additional disabilities presumptively attributable to service we classify all veterans into two groups:

First. Those veterans having disabilities connected with the service and who can prove same under the law should be entitled to all benefits provided now and in the future for service-connected disabilities.

Second. Those veterans suffering from disabilities not legally traceable to war service shall be granted a pension similar to that received by Spanish War veterans suffering from disabilities not necessarily incurred in service. This plan was presented to the Senate Finance Committee by Senator CONNALLY, of Texas, and myself but was not accepted. It is only fair to state, however, that the objection was not due to any admission that the plan was not more equitable than any other but was due to the fact that many of the majority Senators gave their support to the bill which at the outset would cost the least. Revised figures now show that the plan adopted by the committee will in the long run be much more expensive as well as inequitable.

Section 10 of this bill, which is the important section, will extend relief to 77,000 veterans, while there are to-day 891,291 veterans suffering with non-service-connected disabilities. What are these other veterans going to say, who are suffering from non-service-connected disabilities just as debilitating and impoverishing as those provided for in this section? Are not these veterans entitled to just as much in the way of presumption as the man who develops a chronic constitutional disease in December, 1929? Does anyone think for a moment that these veterans will not be at the doors of Congress seeking for relief? What answer can you make to them other than that they happened to have the wrong kind of disease, although their disabilities are of the same degree as those who are getting compensation? Will we not sooner or later be expected to extend the same measure of relief to them? It is not that the cases taken care of herein are deserving, it is that it does not include all alike.

The next inequality in this bill which I desire to point out is section 14, which provides that where a World War veteran hospitalized under that section for a period of more than 30 days files an affidavit with the commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran commencing with the expiration of such 30-day period and to be payable during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation:

(a) If there is a wife but no child, $30 per month.

(b) If there is a wife and one child, $40 per month, with $6 for each additional child.

(c) If there is no wife but one child, $20 per month.

(d) If there is no wife but two children, $30 per month.

(e) If there is no wife but three children, $40 per month, with $6 for each additional child.

It also provides that where a veteran hospitalized under this section for more than 30 days certifies that he is financially in need he shall be paid an allowance of $8 per month during the period of hospitalization unless he is entitled to compensation or pension equal to or in excess of such amount. Mr. President, it is a known fact that the hospital facilities of the Government are entirely inadequate to provide for veterans suffering with non-service-connected disabilities. Think of the discrimination which will result from the adoption of such a provision. To the man who is fortunate enough to be hospitalized, and for whose hospitalization the Government is spending approximately $120 per month, there will be given to him personally $8 per month if he is financially in need, and a monetary allowance will be given to his dependents if his income is less than $1,000, whereas the veteran who applies for hospitalization but can not be hospitalized will not only have to pay for his own hospital treatment but will receive no allowance for himself or for his dependents. Where is there any fairness or justice in such a discriminatory provision? Further, there is for consideration the man who is disabled to the extent that he can not work but who needs no hospital treatment. Is he not entitled to a spending allowance of $8 per month? Are not his wife and children entitled to consideration? There is also for consideration the widows and children of the men who have died from non-service-connected disabilities. The whole theory of this section is that where the bread-winner of the family is incapacitated because of the need of hospital treatment, provision should be made for his wife and children. Certainly where the bread-winner of the family has been taken away by death the widow and children have as much right to look to the Government for relief as have the wives and children of the men who are taken away temporarily because of disease necessitating hospital treatment. Looking at this proposition as a matter of principle, let us take the man who is hospitalized for treatment for a non-service-connected disability. We commence to pay his wife $30 a month on the theory that she is in need because of his temporary incapacity to support her. This man dies after a few months' hospitalization. What is the justification for discontinuing these payments?

In closing let me say to the Senate that, in my opinion, justice demands equal treatment to all World War veterans and that we should recognize a greater duty to those veterans disabled in line of duty during the World War and a lesser duty to those disabled as a result of injury or disease acquired after the war. I intend to vote for this bill if it is the only way in which we can afford relief at least to some disabled veterans, but I do so with a great deal of fear and apprehension as to the future, and I believe it would be much better, and I certainly should much prefer to see substituted for sections 10 and 14 of this bill a simple provision authorizing the payment of the same pension on the basis of the same service as was provided for the Spanish-American War veterans in the measure adopted on June 2 of this year by the Congress.

Mr. SHORTRIDGE. Mr. President, the law as it now stands is as follows:

Provided, That no person suffering from paralysis, paresis, or blindness, or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct.

So that the Government—we have recognized that in a case so sad, so pathetic, we give compensation notwithstanding that condition has been brought about by the misconduct of the victim.

I think it is just and merciful to do so. What this amendment now proposes, as I undertook some time ago to point out, is to grant some relief, administer some cure, to the victim before he becomes helpless and bedridden. That is the purpose of the amendment, and that is the only purpose.

The supermen who inveigh against this proposition because it is supposed that the soldier has committed some unpardonable sin should bear in mind that Uncle Sam now cares for the helpless victim fully, and rightly so. What this amendment proposes, and all that it proposes, is that we shall arrest the disease; and when it is arrested, when the victim is cured, automatically he goes off the roll, and the Government is saved any further compensation or any expense.

On the doctrine of probabilities—some of us have read the great work of the great lawyer, Williams, of London, on that subject—on that doctrine, I undertake to say that in the end it will be a saving of money by curing the victim, rather than suffering his disease to advance until he becomes a permanent, helpless wreck, and a permanent burden on the Government.

So if you will take all the emotion out of your hearts, and forget that you are fathers, and let Uncle Sam forget that these are his sons—just cease to be emotional men and look at the matter from a cold-blooded metallic, or pecuniary standpoint—I undertake to say that the Government will save money by taking hold of the victim and curing him, when he automatically will go off the roll, and the Government will be no further burdened. Moreover, he will be returned to activity. His cure will be a blessing to him and a benefit to society. Others may, but I do not, forget what St. Paul says to his beloved Timothy, that he, St. Paul, the sinner of sinners the chief, was forgiven and obtained mercy and great reward. He enjoined upon his beloved son, Timothy, to be forgiving and merciful, and reminded him to be strong in the grace of the Master, who is mercy itself.

Mr. REED. Mr. President, will the Senator from California tell us whether he gave compensation to his son Timothy for having gone off on a bat?

Mr. SHORTRIDGE. He promised him immortal life. Is that not compensation? If the Senator wants to question me touching the Holy Book, I can stand here and perhaps answer. Permit me, now, since the Senator provokes it. I did not intend to recur to this subject but for the speech which was made the other day.

I had thrown out the thought before the committee that we must deal with these men as fathers; that Uncle Sam was the parens patriæ; and that his sons had served him and were now ill; and because I emphasized the thought of being merciful much has since been said.

If I am called upon now to sustain myself by Holy Writ, I beg Senators to read the Proverbs. I ask them to read the Beatitudes; and the most beautiful of them is, "Blessed are the merciful; for they shall obtain mercy."

If we want to go a little further and take up God's great ambassador, St. Paul, all through his ministry he dwells upon that feature of the goodness of God, who forgives and rewards with immortal life; and if we can come down to profane literature it will be recalled that Tamora said to Titus Andronicus:

> Wilt thou draw near the nature of the gods?
> Draw near them then in being merciful.

So let us be merciful and deal justly with even him who may have erred.

Mr. BINGHAM. Mr. President, may I call the attention of the Senate to the fact that the bill as it came over from the House provided compensation for any injury which had been caused by the man's own willful misconduct. It was pointed out that a self-inflicted wound, therefore, would receive compensation. Under the bill as it came over from the House, a man might have shot himself in the hand or foot to avoid service at the front and receive the same compensation that he would receive had he been wounded at the front in the same way. The Senate committee did not believe that was an appropriate thing to do.

It was also pointed out that under the bill as it came over from the House a man might be escaping from confinement for a crime, that he might have been shot by a sentry and wounded, and receive the same compensation for that wound as though he had received it at the front.

The representative of the American Legion, Colonel Taylor, appeared before the committee and asked us particularly to see to it that those suffering from venereal disease acquired during their time of service should not be denied compensation; and he made such an effective presentation of his case on behalf of the Legion that the committee voted the language in the form in which it is in the bill as recommended by the committee.

Mr. LA FOLLETTE. Mr. President, I shall take only a moment; but it does seem to me that the policy involved in this amendment proposed by the Senator from Pennsylvania [Mr. REED] is now a moot question.

We have already eliminated the vicious-habits clause from the Civil War veterans' pension legislation. We have passed over the President's veto a bill which took out the vicious-habits clause, not only so far as the disease was incurred during their service in the war but at any time following the war. Therefore, since the committee has limited this to the war, during the time that the man was in service, upon what theory are we going to justify having removed the inhibition of vicious habits against pension legislation for Civil War veterans and for Spanish War veterans and now say that to the veterans of the World War we will deny that compensation, even though the disease was actually incurred during the time of their service?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Pennsylvania [Mr. REED] to the amendment of the committee.

Mr. REED. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is upon the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On page 15, line 2, strike out the word "act" and insert "section and section 304 of this act," so as to read:

That for the purposes of this section and section 304 of this act every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record—

And so forth.

Mr. CUTTING. Mr. President, I wonder if the Senator from California [Mr. SHORTRIDGE] will be good enough to explain the purpose of this amendment. I ask because I have a telegram from a very honorable citizen of my State objecting to the amendment. I am not quite sure what is the principle involved, and I ask the Senator to explain it.

Mr. SHORTRIDGE. Mr. President, in a few words, the purpose of this amendment is to place the legislative stamp of approval upon the bureau's construction that the present language, "for the purposes of this act," relates only to compensation and reinstatement of insurance under section 304.

One or two of the courts have recently held that they are bound by presumption of service connection for tuberculosis in connection with determining whether a man was, at date of discharge, permanently and totally disabled for insurance benefits. So it was deemed necessary to amend the bill as it came from the House by striking out the word "act" and inserting the words "section and section 304 of this act."

Mr. CUTTING. Mr. President, while I very much prefer the language in which the bill came from the House, I am not going to make any objection to this amendment, because I realize the lateness of the hour and the difficulty under which we are working under the unanimous-consent agreement.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, line 17, after the word "record," to strike out the following proviso:

Provided, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1930, a disability developing a 10 per cent degree or more in accordance with the provisions of subdivision (4) of section 202 of this act shall be presumed to have ac-

quired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting disability in such service between said dates, and said presumption shall be conclusive in cases of tuberculosis, paralysis, paresis, blindness, those permanently helpless or permanently bedridden, and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1930, if the facts in the case substantiate his claim.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the word "*Provided*," to strike out "*further*"; in line 14, after the words "encephalitis lethargica" to insert "leprosy"; in line 25, after the words "encephalitis lethargica," to insert "leprosy"; on page 17, line 2, after the word "schedule" to strike out "or" and insert "of"; and in line 5, after the word "conclusive," to insert "in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence," so as to read:

Provided, That an ex-service man who is shown to have, or, if deceased, to have had, prior to January 1, 1930, neuropsychiatric disease and spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analagous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1930, if the facts in the case substantiate his claim.

Mr. CUTTING. Mr. President, is an amendment to that amendment in order?

The VICE PRESIDENT. It is.

Mr. CUTTING. I move to amend by striking out, in line 5, the words "active" and "disease," so that the amendment would read:

In cases of tuberculosis and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence.

It is rather difficult to explain in the limited time the reasons for this suggestion of mine. I will try to make myself as clear as possible, and to be as brief as possible.

Section 200 of the veterans' act provides a presumption of service origin with regard to all cases of active tuberculosis diagnosed before a particular date.

An entirely different section, section 202, provides that in cases of arrested tuberculosis a monthly award of $50 shall be awarded. Nothing is said in that section about the "activity" of the disease.

Yet the Veterans' Bureau, in their constant rulings for the last two years, and acting under an opinion of the Comptroller General, have taken the word "active" used in section 200 and applied it to section 202, so that many men who have received statutory awards for arrested tuberculosis have had their cases afterwards invalidated because the bureau claimed there was no evidence that the tuberculosis from which they had recovered was "active."

The word "active" in this particular section—section 200—does not alter the meaning of the bill in any material way, because in order to get compensation under this presumption there must be a disability of at least 10 per cent. But when this same provision is thrown over into section 202, it does away with the benefit of the presumption in all cases where the statutory award has been granted without the actual use of the word "active."

I think it will be clearer if I take up a definite case. I have three of them here, but one will be sufficient.

Ollie J. Isaacks, a veteran of Las Cruces, N. Mex., was discharged after six months' service for what was diagnosed as "tuberculosis, chronic," with evidence of trouble in both lungs. He was discharged from the service on that ground. But the words in his discharge omit the term "active."

Compensation was paid that man from January 8, 1918, until March 1, 1929, eleven years and a half. He received vocational training for two years. Of course, that man's tuberculosis was active. If it had not been active, it would not have necessitated his discharge from the service. He would not have received compensation over all that period. I am using the word "active" in the sense in which the layman uses it, and not in the sense in which some bureau doctor may twist the language to make it mean something else.

In other words, "active" is not used as we ordinarily use it, in contradistinction to "inactive" or "arrested" tuberculosis. It is used in contradistinction to the word "chronic." I will read a sentence of the Veterans' Bureau's decision.

The records of the War Department indicate that this veteran was discharged from the military service on account of pulmonary tuberculosis, it not being stated whether the condition was active or arrested.

Mr. President, how much more time have I?

The VICE PRESIDENT. The Senator has four minutes remaining.

Mr. CUTTING. This amendment, in my opinion, would be unnecessary if the bureau had given the veterans the benefit of the doubt under section 202.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CUTTING. I have not much time, but I will yield to the Senator for a question.

Mr. BARKLEY. Would the elimination of the word "active" mean that a veteran might draw double compensation; that is, might an arrested case draw compensation regardless of the fact that the man was drawing compensation for a chronic case?

Mr. CUTTING. What the bureau classes as a chronic case might conceivably draw compensation if it were a case of more than 10 per cent, but a case which is more than 10 per cent should, in my opinion, receive compensation whether the bureau doctors happen to call it active or chronic. There is no material difference in the condition of the patient.

It is because of this ruling of the Comptroller General, followed by the Veterans' Bureau, that so many of the tubercular men of the West are now receiving nothing. I asked the adjutant of the American Legion of my own State of New Mexico the other day how many cases of men who had been drawing the statutory $50 a month had been thrown out, and my rememberance is that he told me that it was something like 800 cases. If that is so in New Mexico, Senators can imagine what it is in the country as a whole.

I hope the Senator in charge of the bill will accept my amendment.

Mr. SWANSON. Mr. President, I hope the Senator from California will not accept a lot of amendments to this bill. The bill has been considered by the Committee on Finance, and has been fully considered in the Senate. We must realize that the best chance of getting it enacted is for the House to concur in the amendments placed on the bill by the Senate. If we put a lot of amendments on the bill, whether we know they are right or not, the House will not concur in the Senate amendments, and the bill will be sent to conference.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. SWANSON. I will not yield until I get through with my statement.

The bill will go to conference, and the opponents of the bill could keep it in conference and defeat the legislation. I do not know whether this amendment is a good amendment or not. I could not form a conclusion as to the matter from the short statement made. I do hope the Senator from California will protect the bill against ill-considered, or not fully considered, amendments, so that when the bill does go to the House we can get the concurrence of the House in the Senate amendments, and not have important matters put on the bill so that it will have to go to conference. I believe that if the bill shall go to conference it will be defeated, and we will have no legislation on this subject at this session of Congress.

This amendment might be all right; I do not know whether it is or not; I could not form a conclusion from the discussion that has taken place. The amendment was not referred to the committee, however, and there has been no report on it. We do not know what it would cost, and it does seem to me that amendments of such a character should not be insisted on.

Mr. SHORTRIDGE. Mr. President, I have no authority, as I understand it, to accept amendments. I said at the beginning

that I stood for this bill as reported, and, of course, even if I had authority to accept an amendment, I could not do so without great inconsistency.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. CUTTING. I just want the Senator to yield so that I may explain to the Senator from Virginia that the language which I propose is language passed by the House. Therefore, if we restored the language of the House, there could not possibly be any difficulty in conference.

Mr. SHORTRIDGE. Even if the Senator's amendment were adopted, we would have to go back to line 13, page 16, and strike out the word "active" as it there modifies "tuberculosis."

I do not think it necessary, particularly in view of the fact that these are the two cases where the presumption is conclusive, to go further. If wrong has been done, it has been in the administration of the law.

Mr. COPELAND. Mr. President, I think the Senator from New Mexico has offered an important amendment. It might readily happen that a veteran had tuberculosis of a joint which was of a chronic or semichronic nature, and he would not have the benefit of this clause of the bill if it were left as "active tuberculosis disease," as it is here.

As I understand, the Senator proposes to strike out the words "active" and "disease," and leave in just the word "tuberculosis." Am I right in that?

Mr. CUTTING. The Senator is correct.

Mr. COPELAND. My judgment is that that is a very wise amendment.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. BARKLEY. I should like to inquire whether the adoption of this amendment would result in giving double compensation, whether it would give to those now drawing the statutory $50 an additional compensation which they would draw regardless of the $50, based upon the conclusive presumption as to tuberculosis?

Mr. COPELAND. I would not think so.

Mr. BARKLEY. I understand that the reason why the committee put in the word "active" was to distinguish between active cases, where the patients are not drawing $50, and inactive or arrested cases, where they are drawing $50.

Mr. COPELAND. But there is another group of diseases which come between. It might not be an active case, but the bureau might take refuge behind the words appearing here.

Mr. BARKLEY. If it has been active and the veteran has been drawing $50——

Mr. COPELAND. He might still have another form of tuberculosis which is not arrested and is not active.

Mr. BARKLEY. He might have tuberculosis of a joint, or something of that sort, not tuberculosis of the lung. But I am asking whether the elimination of this word would not result in additional compensation of $50, even though the case is inactive.

Mr. HATFIELD. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. HATFIELD. It altogether depends on the continued resistance of the individual suffering from a tubercular condition as to how long he may remain in that condition. For instance, if he breaks down because of overexertion or work, then the process becomes active again. Is not that true?

Mr. COPELAND. Yes, that is true; and, of course, under the other clause, farther on, on page 25, or wherever it is, which speaks about arrested tuberculosis, there is no inflammatory process, it is arrested, and he gets $50. But if he has active tuberculosis, or semiactive or semichronic tuberculosis, it would seem that he should have exactly the same consideration he would have if he had active tuberculosis.

The VICE PRESIDENT. The two amendments will be considered as one amendment. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 17, line 24, after the word "and," to strike out "(1)" and insert "(1)"; on page 18, line 1, before the numerals "472," to strike out "sections" and insert "section"; in the same line, after the numerals "472," to strike out "475"; and in line 7, after the figures "$75," to insert a colon and the following proviso: "*Provided*, That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20," so as to read:

SEC. 11. That section 201, subdivisions (f) and (1), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75: *Provided*, That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person.

The amendment was agreed to.

The next amendment was, on page 25, line 7, after the word "disease," to strike out "of service origin, whether active or otherwise," and insert "of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease," and in line 17, before the word "act," to strike out "amendatory," so as to read:

SEC. 13. That subdivision (7) of section 202 of the World War veterans' act, 1924, as amended (secs. 480, 481, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That in any case where the estate of such veteran derived from funds paid under the war risk insurance act, as amended, and/or the World War veterans' act, 1924, as amended, equals or exceeds $3,000, payment of the $20 per month shall be discontinued until the estate is reduced to $3,000: *Provided further*, That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced or discontinued through the provisions of this subdivision.

"All or any part of the compensation of any mentally incompetent inmate of an institution may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may, in the discretion of the director, be apportioned to wife, child, or children, or dependent parents in accordance with regulations.

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however*, That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further*, That no payments under this provision shall be retroactive, and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date.

"The director is hereby authorized and directed to insert in the rating schedule a minimum rating of permanent partial 25 per cent for arrested or apparently cured tuberculosis."

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to strike out:

SEC. 14. That two new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), to read as follows:

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

SEC. 14. (1) That so much of the second sentence of subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), as precedes the first proviso thereof, be hereby amended to read as follows: "The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, and including persons who served overseas as contract surgeons of the Army at any time during the Spanish-American War, not dishonorably discharged, without regard to the nature or origin of their disabilities:"

(2) That the following new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as (sec. 484, title 38, U. S. C.), to read as follows:

The amendment was agreed to.

The next amendment was, on page 26, line 22, before the word "a," to strike out "Where" and insert "Hereafter where," so as to read:

Hereafter where a World War veteran hospitalized under this section for a period of more than 30 days files an affidavit with the

commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran (commencing with the expiration of such 30-day period and to be payable) during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation:

(a) If there is a wife but no child, $30 per month;

(b) If there is a wife and one child, $40 per month, with $6 for each additional child;

(c) If there is no wife but one child, $20 per month;

(d) If there is no wife but two children, $30 per month;

(e) If there is no wife but three children, $40 per month, with $6 for each additional child.

For the purpose of this section the Spanish-American War shall be construed to mean service between April 21, 1898, and July 4, 1902, and the term "veteran" shall be deemed to include those persons retired or otherwise not dishonorably separated from the active list of the Army or Navy.

The amendment was agreed to.

The next amendment was, on page 27, after line 20, to strike out:

That veterans hospitalized under the provisions of the World War veterans' act, as amended, shall be paid a hospital allowance in addition to any other benefits to which they may be entitled at the rate of $8 per month during the period of hospitalization, in the event they certify they are financially in need, unless they are entitled to compensation or pension equal to or in excess of that amount.

And in lieu thereof to insert:

Hereafter any veteran hospitalized under the provisions of this act, as amended, for a period of more than 30 days, shall be paid an allowance, in addition to any other benefits to which he may be entitled, at the rate of $8 a month (commencing with the expiration of such 30-day period) during the period of hospitalization, in the event that such veteran certifies that he is financially in need, unless he is entitled to compensation or pension equal to or in excess of the amount of such allowance.

The amendment was agreed to.

The next amendment was, on page 30, line 18, after the word "amended," to strike out "(section —, title 38, United States Code)," so as to read:

SEC. 20. That a new section be added to Title II of the World War veterans' act, 1924, as amended, to be known as section 214, and to read as follows:

"SEC. 214. Where an incompetent veteran receiving disability compensation under the provisions of this act disappears, the director, in his discretion, may pay to the dependents of such veteran the amount of compensation provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans."

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. SHORTRIDGE. Mr. President, on behalf of the committee, I move, on page 16, line 13, before the word "spinal," to strike out the word "and" and insert a comma.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SHORTRIDGE. On page 16, line 23, before the word "spinal," I move to strike out the word "and" and insert a comma.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SHORTRIDGE. On page 36, line 13, I move to strike out the word "This," and to insert the words "Except as provided in section 18 of this act, this." That is to clarify the language.

Mr. LA FOLLETTE. Mr. President, what is the effect of the amendment?

Mr. SHORTRIDGE. In view of certain rulings and in view of the adoption of section 18, if we put in those words, then it will be provided that except as provided in section 18 of this act this amendment shall not affect any rights which shall accrue under the World War veterans' act.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The Senator from Pennsylvania [Mr. REED] has an amendment pending, which will be reported.

The CHIEF CLERK. On page 13, beginning with line 16, strike out through line 23 on page 17 and insert in lieu thereof the following:

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.) be hereby amended by adding at the end thereof the following:

"On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct which was not acquired in the service during the World War or for which compensation is not payable shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. No disability allowance payable under this paragraph shall commence prior to the date of the passage of this amendatory act or the date of application therefor and such application shall be in such form as the director may prescribe: *Provided*, That no disability allowance under this paragraph shall be payable to any person not entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for such disability allowance under this paragraph. In any case in which the amount of compensation hereafter payable to any person for permanent disability under the provisions of this act is less than the maximum amount of the disability allowance payable for a corresponding degree of disability under the provisions of this paragraph, then such person may receive such disability allowance in lieu of compensation. Nothing in this paragraph shall be construed to allow the payment to any person of both a disability allowance and compensation during the same period and all payments made to any person for a period covered by a new or increased award of disability allowance or compensation shall be deducted from the amount payable under such new or increased award. As used in Titles I and V of the World War veterans' act, 1924, as amended, the term 'compensation' shall be deemed to include the term 'disability' allowance as used in this paragraph.

"The Secretary of the Treasury is hereby directed upon the request of the director to transmit to the director a certificate stating whether the veteran who is applying for a disability allowance under this paragraph was entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for the disability allowance and such certificate shall be conclusive evidence of the facts stated therein."

On page 25, beginning with line 23, strike out through line 2 on page 26, and on page 26, beginning with line 22, strike out through line 14 on page 27, and on page 28, beginning with line 4, strike out through line 12.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. NORRIS. Mr. President, we are called upon now to vote upon an amendment which comes before us in a most extraordinary manner. We have the bill before us, brought before us under a unanimous-consent agreement which included an agreement that we should vote to-day upon this amendment. Until that agreement was made the amendment was unborn; at least nobody had heard of it. When the agreement was made, when it was known that we had to vote to-day and that debate on every amendment was limited to 10 minutes, then came this amendment, an amendment which in effect is really a substitute bill, which practically wipes out all of the bill and proposes an entirely different bill upon an entirely different theory.

After the unanimous-consent agreement was entered into when it was impossible to extend the time for debate even long enough to have the amendment printed, comes a letter, not an official message, but a letter from the President of the United States directed to the Senator from Indiana [Mr. WATSON]. In it he includes a letter from the Secretary of the Treasury and a letter from the head of the Veterans' Bureau, General Hines. When those letters are read the Senate has not yet heard of the amendment. It has never been printed. It has never been read at the clerk's desk until just a moment ago, and it is now 10 minutes after 6 o'clock when we are expected to vote upon the amendment within the next few minutes.

Mr. REED (in his seat). It was read at 1 o'clock.

Mr. NORRIS. The Senator from Pennsylvania just informs me that the amendment was read at 1 o'clock. Then it has been read twice. But it has never been printed.

Everyone knows that to take up an entire system of pension legislation, providing for the details of its application, is a big task. No Member of this body or any other body would be prepared, simply after hearing such a proposal read at the clerk's desk, to vote upon it. Not one-half of the Members of the Senate even heard the amendment read. It was an impossibility to hear it read even by those present. Now we are called upon to vote for the amendment to carry out the wishes of the President, the wishes of Mr. Mellon, and the wishes of Mr. Hines, which have never yet been officially communicated to the Senate; which have never yet been brought to the attention of the Senate except as the Senator from Indiana had the letter addressed to him read at the clerk's desk immediately after 12 o'clock noon to-day.

Mr. President, is that the way to legislate? Is that the way to provide for the expenditure of hundreds of millions of dol-

lars of public funds? Is that the way to treat hundreds of thousands of disabled veterans who were disabled in the World War? Is that common sense? Is that the way to do business on behalf of this great Government? We are called upon now, in order to please the Chief Executive and his Secretary of the Treasury, to vote for a complete system of pension legislation that none of us know anything about and that nobody heard of before to-day, and but few of us understand now what the amendment contains in detail at least.

Mr. President, as I listened to the reading of Secretary Mellon's letter and the letter of the President to the Senator from Indiana, I failed to get one sentence of argument against the Senate committee bill, not one fundamental principle enunciated in opposition to it, the main point being "We have not money enough, it is going to cost too much, and we may have a deficit." We heard no cry from these same sources when we had the ship subsidy bill before us. We heard no cry from these same sources when we were called upon by these same sources to reduce by $160,000,000 the taxes of the wealthy people who are paying income taxes—not a word. Everything was then in favor of the reduction because we had too much money and we were going to have a surplus.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield.

Mr. COUZENS. Did the Senator hear any opposition from the Treasury when we canceled millions of dollars of foreign debts?

Mr. NORRIS. I was going to mention that. I thank the Senator for calling my attention to it. When we came to a settlement of the debts which represented money borrowed from the taxpayers of America, and which they have had to pay and are paying now, and interest upon which will be paid long after all of us are dead and forgotten, we heard the same cry from the same men in the same places urging us to cancel as much of those debts as we could, and we cut practically half of the debts out, even though the American taxpayers must continue to pay. There was no such cry then about a deficit.

But now we come to the payment of the disabled soldiers, the men who were drafted or who enlisted and who were taken away from their homes to go into the worst carnage of war and hell and destruction that the world has ever known, and now comes the plaintive cry, "Oh, it is going to cost too much money."

Mr. President, I voted against——

The VICE PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. WALSH of Montana. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 7, beginning with line 3, it is proposed to strike out through the word "director," in line 13, and to insert in lieu thereof the following:

No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date.

Mr. WALSH of Montana. Mr. President, I made reference to this amendment some days ago, and I hope very much the Senate will adopt it. It was prepared by Mr. Charles E. Pew, a very able attorney of Helena, Mont., who for many years has acted as secretary of the Montana veterans' commission, who has devoted a great deal of time to questions in which veterans are interested, and who has had the most disheartening experience with the Veterans' Bureau. He calls attention to the fact that oftentimes after the right has accrued and application is made to the Veterans' Bureau the case hangs there for years and years, and the right of action is barred six years after the right accrues. He insists that the action ought not to be barred until six years have elapsed after the case has been disposed of or been determined finally adversely by the Veterans' Bureau. He makes a very powerful argument in favor of this amendment. I ask that his letter supporting it may be incorporated in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

HELENA, MONT., *May 13, 1930.*

Hon. T. J. WALSH,
Washington, D. C.

DEAR SENATOR: With reference to the proposed amendment of the veterans' bill so as to make the limitation upon actions upon insurance policies run from the time of the disallowance of a claim for the insurance, I beg to say that the reason such change should be made is that under the law as it now is it would be extremely difficult, if not impossible, to accurately determine the time within which a man might sue.

If a man should claim total permanent disability as of the time of his injury and it appeared that he had not filed a claim specifically asking for the insurance within six years after the injury, the statute would have run against him years ago, and he would have to bring suit within the year following the passage of the act or be barred.

As a matter of common sense, the filing of an application for compensation should be construed as an application for all benefits; but the bureau has differentiated between compensation and insurance to such an extent as to make itself ridiculous.

The law provides no different test of total permanent disability in the case of compensation than it does for insurance purposes; yet the bureau has frequently held a man totally and permanently disabled for the purpose of cutting off his right to reinstate his insurance and at the same time refused to allow him compensation, although all of the disabilities he has originated in the service.

Practically every claim filed within eight or nine years after the war was filed under the belief not only on the part of the man himself but of those representing him that a claim for compensation presented all questions depending upon service-connected disabilities.

Cases have been fought for years upon applications for compensation before a compensation rating of anywhere near 100 per cent could be obtained, and then a man might succeed in obtaining such a rating from the time of discharge.

Such a man, who had battled for more than six years for his compensation, would be barred unless he got in under the terms of the act and filed his suit within a year after its passage.

For example, suppose a man in that situation later filed a claim for insurance and, as has happened in innumerable cases, the bureau would keep evading the issue, referring the man back for further examination, and chase him around through the various avenues of appeal and back several times and not give him a definite answer until after the year had expired. Under the statute he would be out, as the full six years would have expired before he filed a claim for insurance, and he would only have the one year after the passage of the act in which to save himself, and if the bureau did not give him an answer in time he would be shut out.

As a matter of fact, I think the proper wording of the law would be as I suggested a year or so ago; that is, to give a man six years after a denial of his claim in which to sue.

There has been so much uncertainty on the part of the bureau that it is unfair to now tangle the men up by trapping them in situations that they did not understand and that the bureau did not understand.

The tendency of the courts is to spring rules of law upon them that have no application whatever to cases of this kind and which result only in injustice to the men.

For example, the bureau herded the men in to reinstate prior to July 2, 1927. Thousands of these men did not know their rights. They did not know what constituted total and permanent disability, any more than did the bureau, nor did they or any member of the bureau staff think that any question of estoppel would be raised, but everybody was working with the sole idea of safeguarding their insurance.

The bureau was in full possession of all the facts, and its medical staff had made thorough examinations, and the bureau even accepted applications for reinstatement which stated positively that the applicant was totally and permanently disabled.

We now find the courts holding the men estopped by their applications, especially where they at the instance of bureau employees having charge of reinstatement stated that they were not then totally and permanently disabled.

The courts are denying recovery on the original war-term insurance, which recovery would, of course, automatically invalidate any converted policy without loss to the Government.

It seems as though every move that Congress makes, although with the obvious purpose of benefiting the men, is converted into a trap by the bureau and the courts, and it is the men that are caught in the trap.

If cold-blooded rules of law are to be applied to these cases (and they are now applied more cold-bloodedly than any private insurance companies would dare apply them), it is only fair to start with a clean slate and apprise the men that every move is to be made with a lawyer at his elbow to guard him against losing his rights through technicalities.

The man who drew the first war-risk act assumed that the full effects of the war would be well known to every participant, no matter how ignorant or unskilled he might be, and no matter how much he might desire to get along on his own hook, rather than rely on Government compensation. This draftsman presumed that the average man of the rank and file knew more of medicine than a skilled physician, very much as the layman is presumed to know the law which the lawyer may not.

Cases are coming up every day of men who were badly injured in the war, but for one or the other reason have taken no action. I have now

in mind a man who was shot down three times in the Air Service, was badly injured about the face and head, having a metal plate in his head, and his mouth all patched up, and a defect in his speech, and who is suffering from the effects of his injuries, who has never filed a claim.

I think that the law should provide that the filing of a claim for compensation should be deemed equivalent to the making of a claim for all of the benefits of the laws of Congress, and that until a claim of total and permanent disability is unequivocally denied by the bureau the statute should not run; that in order not to enmesh the men in the tangle which resulted from the gropings of the bureau during the past years, the men should be given the right to file a claim for any now-existing disability within a certain number of years from the passage of the act, and the right to bring a suit within at least six years after the final denial by the bureau of a claim of total-permanent disability.

The only reason for narrowing the limit of time within which actions of any kind may be brought is because of the presumed loss of evidence.

In cases of this kind the Government is in so much more favorable a position than the man that the man himself is the one who would suffer the most by the lapse of time.

It is, of course, true that there may not be many cases which would be affected by the limitation fixed in the act in its present form, but that is mere surmise. Furthermore, it is as important to the men affected as though they were all in the same situation.

The Government has paid out millions of dollars on stale claims upon contracts and ordinary property transactions, and there is no reason why such a tight limit should be placed upon the enforcement of claims by these men who have suffered much more than the men who have lost property only.

I trust that my reasons for desiring to see the amendment are sufficiently explained.

With best regards, I am, very truly yours,

C. E. PEW.

Mr. WALSH of Montana. I want to add that it is, as a matter of fact, provided by the bill:

That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further*, That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director.

That is to say, if a man hesitates about the matter and does not present his claim until almost six years have expired, and then presents it, and the case hangs on before the Veterans' Bureau for a long period, four or five years more, the time during which it was pending before the bureau is subtracted from the six years, and he has only the remaining time in which to prosecute his action.

Likewise, Mr. Pew discloses that very often the right to recover on an insurance policy—and this amendment relates to the right to recover on insurance policies—depends upon exactly the same conditions on which his right to compensation rests. He makes an application for compensation, and that hangs fire before the Veterans' Bureau for possibly 3, 4, or 5 years, and then is denied. He does not want to bring suit upon his insurance policy until he determines whether the bureau is willing to acknowledge his claim so far as his compensation is concerned. All these contingencies, Mr. President, have the effect often of barring the right to recover where it exists. In his letter Mr. Pew says:

Cases are coming up every day of men who were badly injured in the war, but for one or the other reason have taken no action. I have now in mind a man who was shot down three times in the Air Service, was badly injured about the face and head, having a metal plate in his head, and his mouth all patched up, and a defect in his speech, and who is suffering from the effect of his injuries, who has never filed a claim.

So, Mr. President, if the veteran wishes to institute suit he is entirely barred, except that he has a right to begin suit within one year after this act shall have been passed; but if, after that time, he concludes he had better apply for compensation or to recover upon his insurance, he is barred. He ought, Mr. President, to have the right to sue within the period of six years after the director determines that he is not entitled to recover.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. Of course, the veteran can bring his action while the case is pending, may he not?

Mr. WALSH of Montana. Of course.

Mr. SHORTRIDGE. He has six years in which to do so.

Mr. WALSH of Montana. But the point I make is that he will not do that; he will not be prosecuting two proceedings at one and the same time.

Mr. SHORTRIDGE. That may be.

Mr. WALSH of Montana. It would be a burden upon him to require him to do so.

Mr. SHORTRIDGE. That is true; but he has six years within which to begin the action, and it is now proposed to give him an additional year.

Mr. WALSH of Montana. To give him one year.

Mr. SHORTRIDGE. Whilst there is much that is persuasive in what the Senator says, and the presentation of the case is a very thoughtful one, I personally do not think we could change the law.

Mr. WALSH of Montana. I see no reason why the Government should feel that this is any burden at all upon it. The veteran has a right to present his case to the Veterans' Bureau, and if the Veterans' Bureau decides against him, he ought to have the period of the statute of limitations within which to commence his case after the Veterans' Bureau decides against him.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. BINGHAM. I desire to offer an amendment on page 15, line 2. I shall later ask to have the amendment read at the desk, but before doing so I desire to state that the amendment, which is to the celebrated paragraph 200 is the result of a long series of conferences and study by the American Legion. This is the form in which, at their last annual convention, they recommended legislation should be passed for the relief of veterans.

Mr. President, I have been a member of the Legion since it was formed; in fact, I was one of those who helped organize it in the State of Connecticut, and I have had the very highest regard for the Legion and its officers and its activities directed to helping the veterans. Therefore, when I learned from Colonel Taylor, the Legion representative who appeared before the committee on May 8, that this amendment was the result of prolonged study on their part, I moved its adoption in the committee; and the motion was lost by only one vote.

I should like, Mr. President, to read Mr. Taylor's testimony in connection with this proposed amendment, which is known as the American Legion amendment. Before doing that, however, I desire to have it distinctly understood that since the bill has been reported out of the committee the Legion legislative committee here in Washington has recommended the passage of the bill as it came from the Finance Committee; but the fact remains that the Legion itself, after giving the matter several years' study, recommended the adoption of the amendment which I am about to offer. The testimony of Mr. Taylor, from which I now desire to read, occurs on page 101 of the hearings before the committee. I quote as follows:

The important section, of course, as far as we are concerned, is section 200.

Section 200 in the Johnson bill as it is, the department has estimated, would cost $76,000,000. It was estimated that the bill would cost $89,000,000, although Mr. Johnson on the floor of the House, after receiving some figures from the Pension Bureau, said that it might run up as high as $400,000,000; but if you take the $76,000,000 that section 200 of the Johnson bill costs, which eliminates the question of diseases and inserts the word "disability," and substitute for it section 200 of the American Legion bill, which brings up to 1925 as a presumptive date certain constitutional diseases, about 20 of them, that reduces the cost $12,500,000, and makes the total cost of the bill somewhere between $25,000,000 and $30,000,000.

Mr. President, as a member of the Legion, I desire to place distinctly upon record before the Senate and before any who may consult the CONGRESSIONAL RECORD the fact that the American Legion, by far the largest organization of veterans in existence, did not recommend any bill that would threaten this country with having to go into debt, with having to issue bonds, or with having to increase taxes, but, after a prolonged study, recommended an extremely reasonable bill. Mr. Taylor says further:

This is a question which has come before the American Legion repeatedly—the question of the extension of the presumptive period—and the Legion, acting upon its best medical advice, recommends that these constitutional diseases be brought up to January 1, 1925, and that presumptive date of January 1, 1925, was put in the law by this committee.

Mr. President, as a veteran myself and member of the Legion, may I be permitted to say that I have felt all along that one of the most unfair provisions brought in the bill as it came from the House, and now in the bill as it comes from the Senate committee, was the presumptive date of January 1, 1930? To say to those of us who served in France that a disability

suffered there of, let us say, 49 per cent—which is the disability granted to a bookkeeper who lost a leg at the front and for which he now receives $49 per month—is not as great as a constitutional or chronic disease contracted by a veteran between 1925 and 1930, for which, if it renders him totally disabled, he is given compensation of $100 per month, is extremely unfair against the man who lost a leg at the front, on account of which he only receives $49 a month.

It is so unfair that it will, I believe, eventually cause, in fact, I so trust, such a change in the law as to provide that the man who lost a leg at the front, instead of receiving $49, will receive $100 a month, which is the amount in this bill provided for the man who contracted a chronic or constitutional disease between 1925 and 1930. It seems to me that those who served in France and suffered a disability during the war which they can prove, are more deserving of the high compensation ratings than those who contracted diseases, however much they may disable, between 1925 and 1930.

Therefore, Mr. President, when the Senator from Massachusetts and the Senator from Texas brought before the committee a general pension proposal granting 60 per cent of the compensation rating to any veteran of the World War who has contracted disease, provided he goes before the Veterans' Bureau and is able to prove that he is disabled but is unable to prove that his disability arises from anything connected with his service during the war, I voted for it, even after it was shown that it was disapproved at the White House, because I believed that that was a fair thing to do, and I believed that some day we ought to come to that.

However, Mr. President, when Mr. Taylor showed that the posts of the American Legion, composed of more than a million veterans, represented at the convention last year by some 1,200 delegates, every State of the Union being represented on the committee on resolutions, had unanimously recommended this amendment, after many years of study of the question of disability and compensation legislation, I felt I was justified in supporting it. Therefore, I supported it in the committee, and I now offer it as an amendment.

The VICE PRESIDENT. Let the amendment be read.

The CHIEF CLERK. On page 15, line 2, after the period following the word "misconduct," it is proposed to strike out the remainder of the section on pages 15, 16, and 17 and in lieu thereof to insert the following:

That for the purposes of this act every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease and spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, diabetes insipidus, primary anemias, arterial sclerosis, diabetes mellitus, Hodgkins disease, leukeima, polycythemia (erythremia), arthritis deformans, arthritis chronic, carcinoma sarcoma, malignant tumors, cardiorascular renal diseases (including hypertension), cholecystitis chronic, endocarditis chronic, leprosy, myocarditis chronic, nephritis chronic, nephrolithiasis, chronic nontubercular pulmonary disease, or amoebic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, diabetes insipidus, primary anemias, arterial sclerosis, diabetes mellitus, Hodgkins disease, leukeima, polycythemia (erythremia), arthritis deformans, arthritis chronic, carcinoma sarcoma, malignant tumors, cardiorascular renal diseases (including hypertension), cholecystitis chronic, endocarditis chronic, leprosy, myocarditis chronic, nephritis chronic, nephrolithiasis, chronic nontubercular pulmonary disease, or amoebic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease, paralysis, paresis, blindness, those helpless or bedridden, and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Connecticut.

Mr. CUTTING. Mr. President, I want to say just a word about the extension of the presumptive theory, because that is the issue between the Senator from Connecticut and the Finance Committee.

The so-called Rankin amendment, extending the presumptive period from January 1, 1925, to January 1, 1930, has been singled out by the Director of the Veterans' Bureau in his letter this morning as being thoroughly unsound. He says it "is unsound medically, and it can not be presumed that disease arising after the time mentioned was the result of service during the World War."

I am sorry the Senator from Pennsylvania is not present, because he made the position even clearer this morning in his speech. I quote from the stenographic report. The Senator from Pennsylvania said this morning:

General Hines has submitted the bill to his medical council, which is made up of the most distinguished physicians in the United States so far as he is able to get them to give volunteer service to the Veterans' Bureau. They have told him unanimously that it is not a sensible hypothesis to lay down that a disease of any sort, tuberculosis, insanity, or any other sort may be latent for so long as 12 years and then develop as a result of service in 1917–18.

When I asked the Senator from Pennsylvania—

Does not the Senator know from personal knowledge of many cases in which the Veterans' Bureau has traced disease in exactly that way?

The Senator replied:

But it has not been latent all that time. There have been symptoms appearing long before 12 years have elapsed.

Mr. President, the trouble with all these statutes that we have passed in behalf of the veteran is that the bureau always, or almost always, interprets them against the interest of the veteran. When we try to lengthen the presumptive period they say a disease can not possibly be traced back as far as 12 years unless there are symptoms constantly appearing.

As a contrast, I should like to present just one case which came to my attention the other day.

A constituent of mine served in the World War from October, 1917, to June, 1919. I prefer not to give his name on account of his family; but I shall be glad to give it to any Senator who asks me. He was born in 1891. After leaving the service, in which he served two years, he worked in his occupation as a cook until 1924, when he suddenly became unable to perform the work necessary to his profession, and went through a number of examinations by various representatives of the Veterans' Bureau. In 1925, as a culmination of various diagnoses, he was ruled as having general paralysis of the brain.

The boy could remember nothing. He wept all the time. He could not remember dates. He could not add or subtract figures. Finally, however—and this is the point I am trying to get at—at one of these examinations they extracted from this unfortunate citizen of the Republic the admission that at the age of 12 he had contracted a venereal disease in the year 1904. There was no other record of the disease. The doctor who was supposed to have treated him was dead; and yet this insanity was traced by the doctors at the bureau to a disease which presumably had occurred 21 years before.

Twenty-one years! According to the distinguished Senator from Pennsylvania, it is impossible to trace back these diseases for 12 years unless symptoms have been recurring in the interval. There had been none in this case; yet not only does the bureau make this presumption against the veteran, denying him the benefits of section 200 of the present act, but it makes the presumption on the admission of an insane man!

I just use that as an instance of the kind of thing that we run up against when we are dealing with the Veterans' Bureau, and the impossibility of accepting seriously any such statement as the medical advisers of the bureau made to General Hines as the basis of his position.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Connecticut.

Mr. BINGHAM. I ask for the yeas and nays.

Mr. WATSON. Mr. President, three propositions came before the Committe on Finance.

The first was the Legion bill, which was introduced as an amendment by the Senator from Connecticut [Mr. BINGHAM]. I am not at liberty to state how members of the committee voted except myself. I voted for that proposition. The Legion

wanted it. Mr. Taylor, the very efficient representative of the Legion, was there to present it, and did present it. He stated to us what it would cost. He stated to us whom it would include, and that it would in effect take care of everybody that at the present time ought to be taken care of. It seemed to me like a sane and sensible proposition, and not one that would in any wise embarrass the Treasury of the United States. It was the proposition that had been adopted by the Legion convention in Louisville, and was the one that was sponsored here by the representatives of that great organization in the city of Washington in a legislative way.

As the Senator has already said, when this proposal was submitted to a vote of the Finance Committee, I think all of its members perhaps being present, it was beaten by a single vote. It occurred to me then, as it occurs to me now, that since the representatives of this great organization were standing for that measure and sponsoring it, and declaring to us on their honor that it would take care of practically every case that at the present time needed to be taken care of, it was a wise and sane measure, and that we might well afford to adopt it as a committee, and to report it to the Senate.

The second proposition was the one sponsored by the Senator from Wisconsin [Mr. LA FOLLETTE]. It was a modified form of the Rankin bill which had been passed in the House. The Rankin bill was one which carried, or would carry within a few years, as much as $400,000,000.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. WATSON. Yes.

Mr. LA FOLLETTE. The Senator does not refer to the so-called Rankin amendment to section 200?

Mr. WATSON. I am not referring to the amendment proposed by the Senate at all. I am referring to the original Rankin bill introduced on the House side.

Mr. LA FOLLETTE. No one has ever estimated that the so-called Rankin amendment would cost $400,000,000. I think the Senator is referring to the bill as it passed the House.

Mr. WATSON. The bill as it passed the House, which absolutely was the one sponsored by Mr. RANKIN more than by anybody else; and that was the bill which ultimately would carry $400,000,000.

When the Senator from Wisconsin introduced the bill, he lopped off a great deal of it here, there, and yonder. I am not familiar with the details; but when those representing the Veterans' Bureau came before our committee they testified that that bill would carry probably from $74,000,000 to $100,000,000. I think perhaps one of them flatly stated that it would carry $74,000,000; but it was a snap-judgment decision. He had not had time to think about it, and he snapped it off to us "$74,000,000." Since that time they have stated that it would run up to over $100,000,000.

The next proposition was the one brought in by the able Senator from Massachusetts [Mr. WALSH] and my distinguished friend from Texas [Mr. CONNALLY]. It was a proposition that the first year would carry perhaps $118,000,000, if I recall correctly; the second year, $250,000,000; and the third, fourth, and fifth years a like sum. According to my judgment, if we intended to go directly to a pension system, that was the one we ought to have taken. It stopped up more holes and more gaps than any other proposition before us, and appealed to me with a great deal of force if we were in a position at this time to go directly to a pension bill; but after we had fully discussed it we came to the conclusion that we could not afford at this time to change the entire basis of legislation on this subject and go to a pension bill, because it is but one step removed from a universal service pension, and we were not yet ready to embark upon that somewhat uncertain sea.

After the Legion bill had been voted down by a majority of 1, the next proposition was the one sponsored by my friend from Wisconsin [Mr. LA FOLLETTE], or the one sponsored by the Senator from Massachusetts [Mr. WALSH], and the Senator from Texas [Mr. CONNALLY]. After we had fully discussed them, not one day but two, we came to the conclusion that as between the two we had better take the proposition which was reported from the Finance Committee.

We did not have votes enough to pass the Legion bill, we did not think it wise to pass the Walsh bill, and therefore we took the only other alternative that was afforded us if we intended to report anything at all, and we reported this measure which is before the Senate now as the one alternative remaining after we found it impossible to report the one because of the lack of votes and the other because we did not deem it wise under the existing conditions. This is how this amendment happened to be here.

The Reed amendment never came before us. The Reed amendment was literally a proposition put forward by ROYAL JOHNSON in the House. Just before the bill passed the House he moved to recommit the measure to the Committee on Pension with instructions to report back a measure which is practically the proposition offered by the Senator from Pennsylvania to-day. Therefore, instead of being a new thing, as my good friend the Senator from Arkansas [Mr. ROBINSON] said to-day, it is an old thing, because that was sponsored by Mr. JOHNSON in the House in the month of April. This is practically a revamping of that proposition.

Mr. BARKLEY. Mr. President, on a roll call the House overwhelmingly defeated the motion offered by Mr. JOHNSON.

Mr. WATSON. But it received 157 votes, and considering that it was a motion to recommit, I thought that was quite a vote.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Indiana whether the proposition was voted on by the Finance Committee?

Mr. WATSON. No; that proposition was not.

Mr. ROBINSON of Arkansas. It was not even considered by the Finance Committee?

Mr. WATSON. No; it was not even considered.

Mr. ROBINSON of Arkansas. It was not different in principle from the amendment proposed by the Senator from Massachusetts and the Senator from Texas?

Mr. WATSON. No; because in reality they are both disability pensions.

Mr. ROBINSON of Arkansas. That was my understanding of it.

Mr. WATSON. Although I will say to the Senator they do not call it a "disability pension," they call it a "disability allowance." That is the distinction.

Mr. ROBINSON of Arkansas. As a matter of fact, the committee decided against any disability pension?

Mr. WATSON. That is what it did; I agree with the Senator.

Mr. ROBINSON of Arkansas. I repeat, then, that so far as the Senate is concerned, the Reed amendment was a new proposal.

Mr. WATSON. Mr. President, what I started to say to my associates was that under all the conditions which confront us, I think we made a mistake when we did not take the Legion bill, because it was sponsored by the greatest soldier organization in the United States, because it claimed to deal with everybody who needed to be dealt with, and to care for all those who needed special care, and would cost us, perhaps, $35,000,000, as I recall. So far as I am concerned, I intend to vote for this amendment. I do not know whether it will pass or not, but I know that if the American Legion wanted it, the only reason why they do not want it now is that they are afraid that if they do not take this measure before the Senate they will not get anything—though I think they are wrong about that. The Senate will never adjourn until it passes pension legislation, and the House could never be driven out of Washington before they passed a pension bill. Therefore the idea that we must have this measure or nothing is fallacious; we will have something before we leave, but, in my judgment, the Legion bill is the wise bill.

Mr. LA FOLLETTE. Mr. President, I do not desire to have the statement stand on the RECORD that I proposed any bill in the committee which was my own bill. I do not claim any credit for what I proposed. All I offered in the committee was the so-called Rankin amendment, which, it has been estimated, would cost $44,000,000, although I think that estimate is high.

Mr. President, while I have great respect for the American Legion, as well as for other veterans' organizations, and believe their attitude toward veterans' legislation should have considerate attention on the part of Congress, I do not think the Congress should enact legislation or defeat legislation because one of the veterans' organizations takes a particular position. It seems to me that the responsibility of Congress is to hear all the testimony which it can get concerning proposed legislation, and then discharge its responsibility as its judgment dictates.

Inasmuch as an attempt has been made to give the impression that the American Legion is at this time sponsoring the amendment offered by the Senator from Connecticut, I want to read a statement showing their position.

Mr. BINGHAM. Mr. President, who ever attempted to give that impression?

Mr. LA FOLLETTE. I got that impression from what the Senator from Connecticut stated, and what the Senator from Indiana stated.

Mr. BINGHAM. I stated distinctly that at the present time the Legion is for the bill as amended and reported, but that the amendment which I proposed was a result of long study by the last convention. I not only did not intend to give the impression that it was the present position of the Legion, but I stated distinctly that it was not their present position.

Mr. LA FOLLETTE. I also understood the Senator from Indiana to say that the only reason why they were now supporting this legislation was because they were afraid that if this bill were amended they would not secure any legislation.

Mr. WATSON. That is my understanding.

Mr. LA FOLLETTE. I want to read now a letter written by John Thomas Taylor, vice chairman of the national legislative committee of the American Legion, on June 14, 1930, after this bill was reported from the Finance Committee, and after Mr. Taylor and the other officers of the Legion had had an opportunity not only to hear all the testimony but to weigh the provisions of the bill as reported. The letter reads:

THE AMERICAN LEGION
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., June 14, 1930.

Hon. ROBERT M. LA FOLLETTE, Jr.,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Assertions are being made in the press that the passage of the disabled veterans' bill will cause an increase in taxes. We do not believe these assertions to be founded upon fact, but we bring them to your attention because of the many different estimates being made concerning the cost and effect of the pending veterans' legislation, with the oft-repeated statement that following its passage in the Congress it will be vetoed and therefore fail to become a law.

The Congress has enacted many measures at the present session, which, together with the additions to the appropriation bills, will cost many times more than the veterans' measure, and a majority of these increases were voted by the Congress while the veterans' bill was still pending. If there is to be an increase in taxes—which we do not admit—because of increased appropriations voted by the Congress, it would therefore be most unfair to lay this at the door of the disabled veterans. The blame for these increases should rather be placed where it belongs—upon the other measures enacted while the veterans' bill was still pending—for the Congress has realized all along that the needs of the disabled had to be met at the present session through an adequate relief measure.

The Finance Committee reported favorably to the Senate, June 11, H. R. 10381, the Johnson bill, which we urge you to consider and pass promptly. The measure has now been before the Finance Committee and the Senate more than seven weeks. Further Senate delay may endanger its enactment at the present session.

As passed by the House, this bill would have cost $181,000,000 a year, a sum which many believe the President would disapprove. The Finance Committee has reduced this cost to about $74,000,000. In addition to this, it has included an amendment which will save a $25,000,000 expenditure which would be necessary under existing law.

Therefore, subtracting this $25,000,000 saving from the $74,000,000 of expenditures provided, the net cost of the bill for its first year would be about $50,000,000. This net expenditure of $50,000,000 will assist countless distressing cases. Among others it will connect with the service the following:

Mental cases	23,000
Tuberculosis	19,000
Chronic and constitutional diseases	29,000

This relief will be real and practical. It will be both generous and just, and will reflect the oft-repeated attitude of the Congress and the Nation—"everything for the disabled." The measure will compensate about 100,000 of the most distressing and deserving cases, save an untold number of lives, and brighten tens of thousands of homes now darkened through suffering and financial distress—homes in which widows and children have been pondering the gratitude of governments.

These men were the flower of our country's youth when the Senate selected them to defend our country. Tens of thousands of them are wrecks to-day as a result of the war. We are asking the Senate—many of whose Members voted to send these men to war—to make certain now that such an urgent relief measure is enacted into law.

It is continually stated privately that the Senate will not be content with this $50,000,000 bill, that the Senate will load it down until it approximates the $181,000,000 bill which the House passed, regardless of whether such a measure may be vetoed. It is even stated privately that after loading down the bill, the Senate plans to provide an opportunity for a pocket veto, by setting the adjournment date within the 10 days allowed for presidential consideration of a bill.

The Legion does not credit these private statements. We believe that the Senate will place the welfare of the disabled above and beyond all other considerations. But we would not be fair unless we repeated these statements to you. I am writing you candidly, for the well-being of 100,000 disabled veterans is at stake.

We therefore appeal to you to pass the disabled bill promptly, in substantially the form reported to you, to urge the House to accept your amendment—thus avoiding the delays and dangers of a conference—to send such a bill to the President as he may sign, and to allow the Chief Executive his 10 full days in which to approve it, before you adjourn the present session.

In doing this you will keep faith with the disabled, with the country, and with yourselves.

Very sincerely yours,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Mr. SIMMONS. Mr. President, I want to make a statement as to what occurred in the Committee on Finance in regard to this matter.

There were three propositions, one known as the Legion proposition, sponsored by the Senator from Utah; one known as the Connally-Walsh proposition, sponsored by the Senator from Massachusetts; the other proposition known as the Rankin bill, as modified by certain amendments offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

We discussed all of those propositions for days, and finally I suggested that we had discussed the proposition sufficiently and that we take a vote. I moved the adoption of the so-called Rankin amendment as modified by the Senator from Wisconsin, suggesting that the other two propositions might be submitted as substitutes, and that we would vote upon those substitute propositions.

The Senator from Utah presented the measure known as the veterans' proposition. We voted on that, and the vote was close. According to my understanding, some Senators voted for it because it carried a small appropriation as compared with the others, and it was not believed by them that the Treasury was in position to assume the heavier burden carried in the other two propositions.

I do not think we voted upon that upon its merits; we voted upon that upon a dollar principle, and only upon a dollar principle, and voting upon it in that way, it did, I believe, get within one of a majority vote, but it was voted down.

Then we voted on the other proposition, sponsored by the Senator from Massachusetts as a substitute, and that was voted down. Then by a vote of 16 to 3 we adopted the Rankin proposition, as amended by the Senator from Wisconsin.

I think I have correctly stated the action of the committee with respect to this matter.

Mr. ROBINSON of Arkansas. Mr. President, is that the bill now before the Senate?

Mr. SIMMONS. That is the bill now before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM].

The amendment was rejected.

Mr. BRATTON. Mr. President, I send forward an amendment, and ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from New Mexico offers the following amendment: On page 25, line 11, after the word "month" insert a colon and the following proviso:

Provided, That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification.

Mr. BRATTON. Mr. President, I realize that the hour is late and that the Senate is impatient, desiring to reach the passage of the bill as soon as may be possible. Notwithstanding that fact, I believe that if I can secure the ear of the Senate a few moments, I can explain the merits of this amendment so that it will be adopted.

In 1926 the senior Senator from Arizona [Mr. ASHURST] proposed an amendment to the World War veterans' act of 1924, to provide that any veteran having tuberculosis who had reached the arrested stage should be compensated at the rate of $50 per month; that is to say, after the bureau had diagnosed the veteran's condition as being arrested tuberculosis, he should be compensated at a flat figure of $50 per month.

It was stated upon the floor of the Senate then by the Senator from Arizona and myself that the object of the provision was to give veterans, particularly those who went to the West and the Southwest, and regained their health there to the extent of their tuberculosis being arrested, the assurance that their compensation would never be reduced below $50 per month. It was to relieve them of the mental disturbance occasioned by the fact that they might be called before the bureau from time to time, reexamined, and their compensation reduced or increased.

It was understood then that those veterans were to have a fixed status. But following that, and yielding to a decision rendered by the Comptroller General, the Veterans' Bureau has been compelled to reduce the compensation of large numbers of arrested tuberculars and to discontinue it in many other cases.

My colleague said a few moments ago that in New Mexico alone more than 800 ex-service men who have been diagnosed as arrested tuberculars, compensated for a while at $50 a month, have thereafter either had their compensation reduced below that figure or had it discontinued entirely.

Mr. SHORTRIDGE. I understand that the Senator's proposal is to make the allowance a vested, continuing right, not subject to modification.

Mr. BRATTON. Exactly so.

Mr. SHORTRIDGE. Suppose a reexamination shows that there was a manifest error in the original examination?

Mr. BRATTON. That is exactly the thing against which I complain. The bureau diagnosed these men; it gave them that status; it determined their condition and, in some cases, compensated them for three or four years, and then, in some instances, without even calling the veteran before the bureau or giving him any warning, but upon a mere reexamination of his file in his absence, notified him that the bureau finds that he never did have tuberculosis and consequently never was an arrested case, in consequence of which his compensation is discontinued. That violates the very thing that Congress sought to accomplish in the enactment of the amendment proposed by my distinguished friend from Arizona. The facts were stated clearly and unmistakably on the floor of this body when the amendment was under consideration.

I do not criticize the bureau. It has pursued that course in obedience to a decision rendered by the Comptroller General, but the Comptroller General's opinion violates the object of the Congress. A great many of these veterans——

Mr. SHORTRIDGE. Mr. President——

Mr. BRATTON. Pardon me, but I am speaking under a limitation of time.

Mr. SHORTRIDGE. I merely call the Senator's attention to the fact that it is a controverted matter about which men may differ, and it may have a very serious effect if enacted into legislation.

Mr. BRATTON. I think not. I have looked into that matter. I think I have reasonable assurance that the adoption of this amendment will not complicate passage of the bill. I anticipated that suggestion and inquired into it. It is my belief that the amendment is just and it carries out with such exaction what the Congress had in mind in the first place, that I am sure it will not jeopardize the passage of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Mexico [Mr. BRATTON].

The amendment was agreed to.

Mr. COPELAND. Mr. President, I have two or three amendments to offer, but I realize that the bill must not be loaded down. Consequently, with the exception of one to which I wish to call the attention of the chairman of the committee, I shall not offer them. On page 23, line 14, would there be any objection to changing the date November 11, 1918, to July 2, 1921? Suppose a soldier lost a foot or hand in the line of duty after the armistice and before the end of the war, he could not receive this limited compensation. I know of one or two cases that fall under the ban by reason of the fact that the date as fixed is November 11, 1918. Would it be a serious embarrassment to the chairman of the committee if I were to offer an amendment making the date July 2, 1921, instead of November 11, 1918, as it is now?

Mr. SHORTRIDGE. I can not speak for the committee. They have reported the bill with the date fixed as of November 11, 1918, the date of the armistice. That is as the bill came to the Senate. This would change it, I am afraid, very materially. I do not think it wise to make the change.

Mr. COPELAND. I call attention to the fact that the accident must have been in the active service and in line of duty. The Senator can readily see that after the armistice a man still on duty in Europe might be run over by a truck and a leg taken off and he would not have the benefit of the compensation, and yet he would be just as much entitled to it as the man who suffered a similar accident previous to the date of the armistice.

Mr. SHORTRIDGE. That is unquestionably so if he was still in the service. If he was not discharged as of the date of the service that would be true. I appreciate the force of that statement, but I can do no more than I have indicated.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator from New York will not press the matter. There are many inequalities in the bill. I think we ought to be careful not to amend the bill too much. The difficulty of the matter is that if we attempt to change the time in the law which has been fixed and determined since the war, I am afraid the Senator will open the door to a large number of new cases.

Mr. COPELAND. Of course, I have no desire to load down the bill with amendments.

Mr. WALSH of Massachusetts. I know how friendly the Senator is to the bill.

Mr. COPELAND. Therefore I shall not offer the amendment.

Mr. CUTTING. Mr. President, I want to propose an amendment which I mentioned some time ago. On page 16, line 13, I propose an amendment similar to one which was agreed to on page 17. On page 16, line 13, before the word "tuberculosis," strike out the words "an active," and after the word "tuberculosis" strike out the word "disease."

Mr. WALSH of Massachusetts. Mr. President, I do not want to interfere with what the Senate has already done, but I would like to have somebody now show how much more money that is going to cost the Government.

Mr. CUTTING. That is impossible to estimate. It is just a question as to how much the Bureau would come down from what the bureau intended to give in the first place.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to amendment. If there be no further amendments, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, shall the bill pass?

Mr. GEORGE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MOSES (when his name was called). I have a special pair with the senior Senator from Missouri [Mr. HAWES] and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. LA FOLLETTE (when Mr. NYE's name was called). I desire to announce the unavoidable absence of the senior Senator from North Dakota [Mr. FRAZIER] and the junior Senator from North Dakota [Mr. NYE]. If present, they would both vote "yea."

Mr. SHIPSTEAD (when Mr. SCHALL's name was called). My colleague the junior Senator from Minnesota [Mr. SCHALL] is unavoidably absent. I understand that if present he would vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "nay."

The roll call was concluded.

Mr. NORRIS. I was requested to announce that the junior Senator from Iowa [Mr. BROOKHART] is absent from the city. If present, he would vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague the senior Senator from Florida [Mr. FLETCHER] on account of illness. I understand if he were present he would vote "yea."

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent on official business. He had no opportunity to arrange a pair before leaving. If he were present, he would vote "yea."

Mr. McNARY. I was requested to announce the unavoidable absence of the junior Senator from Colorado [Mr. WATERMAN]. If he were present, he would vote "yea."

Mr. HARRISON. I desire to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is paired with the senior Senator from Vermont [Mr. GREENE]. If present, my colleague [Mr. STEPHENS] would vote "yea." My colleague is detained from the Senate by illness.

Mr. McNARY. I desire to announce that the Senator from New Hampshire [Mr. KEYES] is paired with the Senator from Utah [Mr. KING]. If the Senator from New Hampshire [Mr. KEYES] were present, he would vote "yea," and if the Senator from Utah [Mr. KING] were present he would vote "nay."

I also desire to announce that the Senator from Vermont [Mr. GREENE] has a pair with the Senator from Mississippi [Mr. STEPHENS]. If the Senator from Vermont [Mr. GREENE] were present, he would vote "nay." If the Senator from Mississippi [Mr. STEPHENS] were present, he would vote "yea."

The senior Senator from New Jersey [Mr. KEAN], the junior Senator from New Jersey [Mr. BAIRD], the senior Senator from West Virginia [Mr. GOFF], the junior Senator from Iowa [Mr. BROOKHART], and the junior Senator from Minnesota [Mr. SCHALL] are all necessarily detained from the Senate. If present, these Senators would vote "yea."

I also desire to announce the general pair of the Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE.]

I also wish to announce that the Senator from Ohio [Mr. FESS] is unavoidably absent.

Mr. SHEPPARD. The Senator from Missouri [Mr. HAWES] is necessarily detained by illness. If present, he would vote "yea."

The junior Senator from South Carolina [Mr. BLEASE] is detained by illness in his family. If present, he would vote "yea." He has a general pair with the Senator from Maine [Mr. GOULD].

The senior Senator from South Carolina [Mr. SMITH] is detained by illness. If present, he also would vote "yea."

Mr. BLACK. My colleague the senior Senator from Alabama [Mr. HEFLIN] is unavoidably absent. I understand that if present he would vote "yea."

The result was announced—yeas 66, nays 6, as follows:

YEAS—66

Allen	Dill	McKellar	Shortridge
Ashurst	George	McMaster	Simmons
Barkley	Glass	McNary	Steck
Black	Glenn	Metcalf	Steiwer
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hatfield	Phipps	Trammell
Capper	Hayden	Pine	Tydings
Caraway	Hebert	Pittman	Vandenberg
Connally	Howell	Ransdell	Wagner
Copeland	Johnson	Robinson, Ark.	Walsh, Mass.
Couzens	Jones	Robinson, Ind.	Walsh, Mont.
Cutting	Kendrick	Robsion, Ky.	Wheeler
Dale	La Follette	Sheppard	
Deneen	McCulloch	Shipstead	

NAYS—6

Bingham	Hastings	Walcott	Watson
Gillett	Reed		

NOT VOTING—24

Baird	Goff	Kean	Schall
Blease	Gould	Keyes	Smith
Brookhart	Greene	King	Smoot
Fess	Grundy	Moses	Stephens
Fletcher	Hawes	Norbeck	Sullivan
Frazier	Heflin	Nye	Waterman

So the bill was passed, and it is as follows:

Be it enacted, etc., That section 5 of the World War veterans' act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this act; and all decisions of questions of fact affecting any claimant to the benefits of Titles II, III, or IV of this act shall be conclusive except as otherwise provided herein. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training, or maintenance and support allowance provided for in this act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided,* That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature: *Provided further,* That where service connection has been found by the United States Veterans' Bureau to exist (whether or not by reason of a presumption of law) in the case of any injury or disease or any aggravation or recurrence of a disability, and such finding has continued in effect for a period of five years, such finding, except in case of fraud participated in by the claimant, shall be final and conclusive for the purposes of this act, and the claimant shall be entitled to benefits thereunder in accordance with such finding from and after the end of such 5-year period, whether or not such period ended prior to the passage of this amendatory act."

SEC. 2. That section 10 of the World War veterans' act, 1924, as amended (sec. 434, title 38, U. S. C.), be hereby amended by adding thereto the following paragraph:

"The director is further authorized to secure such recreational facilities, supplies, and equipment for the use of patients in hospitals, and for employees at isolated stations as he, in his discretion, may deem necessary, and the appropriations made available for the carrying out of the provisions of this section may be expended for that purpose."

SEC. 3. That section 16 of the World War veterans' act, 1924, as amended (sec. 442, title 38, U. S. C.), be hereby amendment to read as follows:

"SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Title III deposited and covered into the Treasury for the credit of this appropriation, where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of Title III hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum, including all premium payments, is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of Title III, including the refund of premiums and such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the award by the director."

SEC. 4. That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 19. In the event of disagreement as to claim, including claim for refund of premiums, under a contract of insurance between the bureau and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 5 and 6 of the act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, and section 10 thereof so far as applicable. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside: *Provided,* That no less than 30 days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 346 and 347, title 28, United States Code, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final.

"No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section.

"In any suit, action, or proceeding brought under the provisions of this act, subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided,* That no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word 'district' and the words 'district court' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

"Attorneys of the bureau when assigned to assist in the trial of cases, and employees of the bureau when ordered in writing by the director to appear as witnesses shall be paid the regular travel and subsistence allowance paid to other employees when on official travel status.

"Part time and fee basis employees of the bureau, in addition to their regular travel and subsistence allowance, when ordered in writing by

the director to appear as witnesses in suits under this section, may be allowed, within the discretion and under written orders of the director, a fee in an amount not to exceed $20 per day.

"Employees of the United States Veterans' Bureau who are subpœnoed to attend the trial of any suit, under the provisions of this act, as witnesses for plaintiffs shall be granted official leave for the period they are required to be away from the bureau in answer to such subpœnas.

"The term 'claim' as used in this section means any writing which alleges permanent and total disability at a time when the contract of insurance was in force, or which uses words showing an intention to claim insurance benefits and the term 'disagreement' means a denial of the claim by the director or some one acting in his name on an appeal to the director. This section, as amended, with the exception of this paragraph, shall apply to all suits now pending against the United States under the provisions of the war risk insurance act, as amended, or the World War veterans' act, 1924, as amended."

SEC. 5. That a new subdivision be added to section 21 of the World War veterans' act, 1924, as amended (sec. 450, title 38, U. S. C.), to be known as subdivision (3), and to read as follows:

"(3) All or any part of the compensation or insurance the payment of which is suspended or withheld under this section may, in the discretion of the director, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents under the provisions of section 202 (7) of this act may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the director for the benefit of such veteran or his dependents. Any balance remaining in such fund to the credit of any veteran may be paid to him if he recovers and is found competent, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as provided in section 26 of this act: *Provided,* That payment will not be made to his personal representative if, under the law of the State of his last legal residence, his estate would escheat to the State: *Provided further,* That any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the veteran or his estate, derived from compensation, automatic or term insurance payable under said acts, which under the law of the State wherein the veteran had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the veteran or his estate, less legal expenses of any administration necessary to determine that an escheat is in order, to the bureau, and shall be deposited to the credit of the current appropriations provided for payment of compensation and insurance."

SEC. 6. That section 28 of the World War veterans' act, 1924, as amended (sec. 453, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any person, who, in the judgment of the director, is without fault on his part and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"When under the provisions of this section the recovery of a payment made from the United States Government life insurance fund is waived, the United States Government life insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance.

"This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 7. That section 30 of the World War veterans' act, 1924, as amended (sec. 456, title 38, U. S. C.), be hereby amended by adding thereto a new subdivision to be known as subdivision (e), and to read as follows:

"(e) The director may authorize an inspection of bureau records by duly authorized representatives of the American veterans of all wars, and of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924, as amended, under such rules and regulations as he may prescribe."

SEC. 8. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 37, and to read as follows:

"SEC. 37. Checks properly issued to beneficiaries and undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished, or, until three full fiscal years have elapsed after the end of the fiscal year in which issued."

SEC. 9. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 38, and to read as follows:

"SEC. 38. The Secretary of War is hereby authorized and directed to transfer to and accumulate in the War Department in the city of Washington, D. C., all records and files containing information regarding medical and service records of veterans of the World War: *Provided,* That the necessary appropriation to accomplish the transfer of such records and files is hereby authorized."

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided,* That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct. That for the purposes of this section and section 304 of this act every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided,* That an ex-service man who is shown to have, if deceased, to have had, prior to January 1, 1930, neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of tuberculosis and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of sec. 202 of this act) on or subsequent to January 1, 1930, if the facts in the case substantiate his claim: *Provided further,* That in any case where service connection is granted solely on the basis of a new presumption created by this amendatory act, no compensation shall be paid for any period prior to the approval of this act, nor for more than three years after such approval pending a further study of veterans' relief by the Congress: *Provided further,* That nothing herein contained shall be construed to apply to an ex-service man who enlisted or entered military or naval service subsequent to November 11, 1918."

SEC. 11. That section 201, subdivisions (f) and (1), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed

the difference between the total amount payable to the widow and children and the sum of $75: *Provided,* That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20. Such compensation shall be payable whether the dependency of the father or mother, or both, arises before or after the death of the person: *Provided,* That the status of dependency shall be determined annually as of the anniversary date of the approval of the award, and the director is authorized to require a submission of such proof of dependency as he, in his discretion, may deem necessary: *Provided further,* That upon refusal or neglect of the claimant or claimants to supply such proof of dependency in a reasonable time the payment of compensation shall be suspended or discontinued.

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director, in his discretion and with due regard to the circumstances of each case, shall pay, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $107 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided,* That when such person dies while receiving from the bureau compensation or vocational training, or in a national military home, the above benefits shall be payable in all cases: *Provided further,* That where such persons, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, or in a national military home, the above benefits shall be payable in all cases, and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further,* That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *Provided further,* That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *Provided further,* That section 5, title 41, of the United States Code, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder, and all suspensions of payment heretofore made in connection with such contracts are hereby removed, and any and all payments which are now or may hereafter become due on such contracts are hereby expressly authorized: *Provided further,* That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial.

"Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director shall furnish a flag to drape the casket of such veteran and afterwards to be given to his next of kin, regardless of the cause of death of such veteran."

SEC. 12. That subdivisions (3) and (5) of section 202 of the World War veterans' act, 1924, as amended (secs. 473, 478, 479, title 38, U. S. C.), be hereby amended to read as follows:

"(3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however,* That the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total permanent disability: *Provided further,* That the compensation for the loss of the use of both eyes shall be $150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month: *Provided further,* That for double total permanent disability the rate of compensation shall be $200 per month.

"That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: *Provided, however,* That nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled: *Provided further,* That in addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for care and treatment of the insane, and shall be furnished with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheel chairs, artificial limbs, trusses, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided,* That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service: *Provided further,* That where any person entitled to the benefits of this paragraph has heretofore been hospitalized in a State institution, the United States Veterans' Bureau is hereby authorized to reimburse such person, or his estate, where payment has been made to the State out of the funds of such person, or to reimburse the State or any subdivision thereof where no payment has been made for the reasonable cost of such services from the date of admission.

"There shall be paid to any person who suffered the loss of the use of a creative organ or one or more feet or hands in the active service in line of duty between April 6, 1917, and November 11, 1918, compensation of $25 per month, independent of any other compensation which may be payable under this act: *Provided, however,* That if such disability was incurred while the veteran was serving with the United States military forces in Russia, the dates herein stated shall extend from April 6, 1917, to April 1, 1920.

"(5) If the disabled person is so helpless as to be in need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable."

SEC. 13. That subdivision (7) of section 202 of the World War veterans' act, 1924, as amended (secs. 480, 481, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however,* That in any case where the estate of such veteran derived from funds paid under the war risk insurance act, as amended, and/or the World War veterans' act, 1924, as amended, equals or exceeds $3,000, payment of the $20 per month shall be discontinued until the estate is reduced to $3,000: *Provided further,* That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced or discontinued through the provisions of this subdivision.

"All or any part of the compensation of any mentally incompetent inmate of an institution may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may, in the discretion of the director, be apportioned to wife, child, or children, or dependent parents in accordance with regulations.

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided,* That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive, and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date.

"The director is hereby authorized and directed to insert in the rating schedule a minimum rating of permanent partial 25 per cent for arrested or apparently cured tuberculosis."

SEC. 14. (1) That so much of the second sentence of subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), as precedes the first provision thereof be hereby amended to read as follows: "The director is further authorized, so far as he shall find that existing Government facilities permit, to

furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, and including persons who served overseas as contract surgeons of the Army at any time during the Spanish-American War, not dishonorably discharged, without regard to the nature or origin of their disabilities."

(2) That the following new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), to read as follows:

"Hereafter where a World War veteran hospitalized under this section for a period of more than 30 days files an affidavit with the commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran (commencing with the expiration of such 30-day period and to be payable) during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation:

"(a) If there is a wife but no child, $30 per month;

"(b) If there is a wife and one child, $40 per month, with $6 for each additional child;

"(c) If there is no wife but one child, $20 per month;

"(d) If there is no wife but two children, $30 per month;

"(e) If there is no wife but three children, $40 per month, with $6 for each additional child.

"For the purposes of this section the Spanish-American War shall be construed to mean service between April 21, 1898, and July 4, 1902, and the term 'veteran' shall be deemed to include those persons retired or otherwise not dishonorably separated from the active list of the Army or Navy.

"Hereafter any veteran hospitalized under the provisions of this act, as amended, for a period of more than 30 days, shall be paid an allowance, in addition to any other benefits to which he may be entitled, at the rate of $8 a month (commencing with the expiration of such 30-day period) during the period of hospitalization, in the event that such veteran certifies that he is financially in need, unless he is entitled to compensation or pension equal to or in excess of the amount of such allowance."

SEC. 15. That subdivision (15) of section 202 of the World War veterans' act, 1924, as amended (sec. 489, title 38, U. S. C.), is hereby amended to read as follows:

"(15) That any person who is now receiving a gratuity or pension from the United States under existing law shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, except as hereafter provided and in subdivision (7) of section 201: *Provided*, That in the event of surrender of pension as hereinbefore set forth, any disability incurred in the military service of the United States, by reason of which said pension would be payable, shall be evaluated in accordance with the provisions of subdivision (4), section 202, and shall be payable as compensation under this act: *Provided further*, That such compensation rating shall be combined with any other compensation rating awarded by reason of active service in the World War."

SEC. 16. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), be hereby repealed.

SEC. 17. That section 209 of the World War veterans' act, 1924, as amended (sec. 498, title 38, U. S. C.), be hereby repealed.

SEC. 18. That section 210 of the World War veterans' act, 1924, as amended (sec. 499, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 210. That no compensation shall be payable for any period more than one year prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than six months prior to the date of claim therefor: *Provided*, That nothing herein shall be construed to permit the payment of compensation under the World War veterans' act, as amended, for any period prior to June 7, 1924. Except in case of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive. This section, as amended, shall be effective as of June 7, 1924."

SEC. 19. That section 212 of the World War veterans' act, 1924, as amended (sec. 422, title 38, U. S. C.), be hereby amended by adding thereto the following provisos: "*Provided further*, That where death occurs subsequent to June 7, 1924, as a result of a disease or injury for which the veteran was entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, his dependents shall be entitled to the compensation provided by section 201 of this act: *Provided further*, That an application for compensation under the war risk insurance act, as amended, shall be deemed to be a claim for compensation under this act, and an application for compensation under the provisions of this act shall be deemed to be a claim for compensation under all subsequent amendments to said act, this proviso to be effective as of June 7, 1924."

SEC. 20. That a new section be added to Title II of the World War veterans' act, 1924, as amended, to be known as section 214, and to read as follows:

"SEC. 214. Where an incompetent veteran receiving disability compensation under the provisions of this act disappears, the director, in his discretion, may pay to the dependents of such veteran the amount of compensation provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans."

SEC. 21. That section 301, paragraphs 3 and 4, of the World War veterans' act, 1924, as amended (sec. 512, title 38, U. S. C.), be hereby amended to read as follows:

"In case where an insured, whose yearly renewable term insurance has matured by reason of total permanent disability, is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to reinstate or convert said term insurance as hereinbefore provided: *Provided*, That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance, except as provided herein, shall be payable in 240 equal monthly installments: *Provided*, That when the amount of an individual monthly payment is less than $5, such amount may, in the discretion of the director, be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for refund of premiums, cash, loan, paid-up, and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided."

SEC. 22. That the last proviso of section 304 of the World War veterans' act, 1924, as amended (sec. 515, title 38, U. S. C.), be hereby amended to read as follows: "*And provided further*, That except as provided in section 301 of the World War veterans' act, as amended, no yearly renewable term insurance shall be reinstated after July 2, 1927."

SEC. 23. That section 307 of the World War veterans' act, 1924, as amended (sec. 518, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 307. All contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issuance, reinstatement, or conversion, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States, and subject to the provisions of section 23: *Provided*, That the insured under such contract or policy may, without prejudicing his rights, elect to make claim to the bureau or to bring suit under section 19 of this act on any prior contract or policy and, if found entitled thereto, shall, upon surrender of any subsequent contract or policy, be entitled to payments under the prior contract or policy. Such suit may be brought either as an original action or by alternative plea in the same suit with the subsequent contract or policy, but recovery shall not be had on both such contracts or policies: *Provided further*, That this section shall be deemed to be effective as of April 6, 1917, and applicable from that date to all contracts or policies of insurance."

SEC. 24. That section 311 of the World War veterans' act, 1924, as amended (sec. 512b, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 311. The director is hereby authorized and directed to include in United States Government life (converted) insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of four consecutive months or more before attaining the age of 65 years and before default in payment of any premium, shall be paid disability benefits at the rate of $5.75 monthly for each $1,000 of converted insurance in force when total disability benefits become payable. The amount of such monthly payment under the provisions of this section shall not be reduced because of payment of permanent and total disability benefits under the United States Government life (converted) insurance policy. Such payments shall be effective as of the first day of the fifth consecutive month, and shall be made monthly during the continuance of such total disability. Such payments shall be concurrent with or independent of permanent total disability benefits under the United States Government life (converted) insurance policy. In addition to the monthly disability benefits the

payment of premiums on the United States Government life (converted) insurance policy and for the total disability benefits authorized by this section shall be waived during the continuance of such total disability. Regulations shall provide for reexaminations of beneficiaries under this section; and in the event that it is found that an insured is no longer totally disabled the waiver of premiums and payment of benefits shall cease and the United States Government life (converted) insurance policy, including the total disability provision authorized by this section, may be continued by payment of premiums as provided in said policy and the total disability provision authorized by this section. Neither the dividends nor the amount payable in any settlement under any United States Government life (converted) insurance policy shall be decreased because of disability benefits granted under the provisions of this section. The payment of total disability benefits shall not prejudice the right of any insured who is totally and permanently disabled to total permanent disability benefits under his United States Government life (converted) insurance policy: *Provided*, That the provision authorized by this section shall not be included in any United States Government life (converted) insurance policy heretofore or hereafter issued, except upon application, payment of premium by the insured, and proof of good health satisfactory to the director. The benefits granted under this section shall be on the basis of multiples of $500, and not less than $1,000 or more than the amount of United States Government life (converted) insurance in force at time of application. The director shall determine the amount of the monthly premium to cover the benefits of this section, and in order to continue such benefits in force the monthly premiums shall be payable until the insured attains the age of 65 years or until the prior maturity of the policy. In all other respects such monthly premium shall be payable under the same terms and conditions as the regular monthly premium on the United States Government life (converted) insurance policy."

SEC. 25. Except as provided by section 18 of this act, this amendment shall not affect rights which have accrued under the World War veterans' act, 1924, as amended, prior to the approval of this amendatory act, but all such rights shall continue and may be enforced in the same manner as if said amendatory act had not been approved.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 576. An act for the relief of Matthew Edward Murphy;
H. R. 644. An act for the relief of Casey McDannell;
H. R. 680. An act for the relief of J. O. Winnett;
H. R. 3159. An act for the relief of W. F. Nash;
H. R. 3960. An act for the relief of Louis Nebel & Son;
H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, finance department, United States Army;
H. R. 5212. An act for the relief of George Charles Walthers;
H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;
H. R. 6642. An act for the relief of John Magee;
H. R. 6694. An act for the relief of P. M. Nigro;
H. R. 7445. An act for the relief of J. W. Nix;
H. R. 8438. An act for the relief of J. T. Bonner;
H. R. 8612. An act for the relief of Ralph Rhees;
H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
H. R. 9279. An act for the relief of Henry A. Knott & Co.;
H. R. 10490. An act for the relief of Flossie R. Blair;
H. R. 10532. An act for the relief of Frank M. Grover;
H. R. 10542. An act for the relief of John A. Arnold; and
H. R. 11608. An act for the relief of Jerry Esposito; to the Committee on Claims.

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes; to the Committee on Commerce.

H. R. 1826. An act for the relief of Floyd Dillon, deceased;
H. R. 6195. An act for the relief of Joseph Faneuf, otherwise known as Joe Faneuf;
H. R. 9347. An act for the relief of Sidney J. Lock;
H. R. 9564. An act for the relief of Thomas W. Bath; and
H. R. 10983. An act for the relief of Iria T. Peck; to the Committee on Military Affairs.

H. R. 7063. An act for the relief of H. E. Mills;
H. R. 11564. An act to reimburse William Whitright for expenses incurred as an authorized delegate of the Fort Peck Indians;
H. R. 11565. An act to reimburse Charles Thompson for expenses incurred as an authorized delegate of the Fort Peck Indians; and
H. R. 11675. An act to authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public-school use; to the Committee on Indian Affairs.

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; to the Committee on Appropriations.

YORKTOWN SESQUICENTENNIAL COMMISSION (S. DOC. NO. 195)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the United States Yorktown Sesquicentennial Commission, fiscal year 1931, amounting to $8,000, to enable the commission to formulate appropriate plans for the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis, as authorized by law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SURVEY OF BATTLE FIELD OF SARATOGA, N. Y. (S. DOC. NO. 196)

The VICE PRESIDENT laid before the Senate a supplemental estimate of appropriation, fiscal year 1931, for the War Department, for a study, investigation, and survey of the battle field of Saratoga, N. Y., amounting to $4,400, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CONTINGENT EXPENSES, FOREIGN MISSIONS (S. DOC. NO. 194)

The VICE PRESIDENT laid before the Senate a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to $50,000, for an additional amount for contingent expenses, Foreign Missions, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 188)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an estimate of appropriation submitted by the Department of the Interior to pay a claim for damage to privately owned property, amounting to $85, which has been considered and adjusted under the provisions of law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL POWER COMMISSION (S. DOC. NO. 192)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Power Commission, fiscal year 1931, amounting to $111,920, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED AGAINST THE GOVERNMENT BY DISTRICT COURTS, UNDER THE PUBLIC VESSELS ACT (S. DOC. NO. 189)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States transmitting, pursuant to law, records of judgments rendered against the Government by the United States district courts, under the public vessels act, amounting to $67,804.73, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

POST OFFICE, COURT HOUSE, LAS VEGAS, NEV. (S. DOC. NO. 193)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States transmitting a draft of a proposed provision pertaining to an item contained in the second deficiency bill, 1930, for the construction of a building at Las Vegas, Nev., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

APPROPRIATION FOR BUREAU OF STANDARDS (S. DOC. NO. 191)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, fiscal year 1930, amounting to $400,000, for additional land, Bureau of Standards, to remain available until expended, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

APPROPRIATION FOR LIGHTHOUSE SERVICE (S. DOC. NO. 190)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, fiscal year 1931, amounting to $70,000, for aids to navigation, Lighthouse Service, to remain available until expended, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXECUTIVE SECRETARY FEDERAL POWER COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in compliance with Senate Resolution 281, the file containing reports and other data bearing upon the alleged removal, concealment, or destruction of letters and papers of the Federal Power Commission, which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from John H. Myers, Isadore Glucksman, and B. Goerlitz, bondholders of German Government cities and states, of Oklahoma City, Okla., protesting against the offer for sale of German Government international 5½ per cent loan, 1930, by J. P. Morgan & Co. and associates, while outstanding bonds remain unpaid, etc., which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the John Mitchell Literary Club, of Chicago, Ill., opposing the ratification of the so-called London naval pact without thorough consideration and review, which was ordered to lie on the table.

He also laid before the Senate resolutions adopted by Admiral George Dewey Naval Camp, No. 7, United Spanish War Veterans, of the District of Columbia, favoring a thorough investigation of the so-called London naval pact before it is ratified, which were ordered to lie on the table.

He also laid before the Senate a telegram from the Buffalo (N. Y.) District of Federation of American Hungarians, signed by its president and secretary, favoring a revision of the treaty of Trianon so as to restore territories to Hungary, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the petition of the Roman and Greek Catholic Hungarian Federation in the United States of America, of Cleveland, Ohio, favoring a revision of the treaty of Trianon so as to restore territories to Hungary, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a communication from Federico Ramos Antonini, post commander, transmitting resolutions adopted by Colonel Theodore Roosevelt, Sr., Post, No. 50, the American Legion, of Ponce, P. R., in connection with the additional loan of $3,000,000 for the rehabilitation of Porto Rico, which was referred to the Committee on Territories and Insular Affairs.

Mr. DENEEN presented petitions numerously signed by sundry citizens of the State of Illinois, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia or in any of the territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

GIFT OF CHEMICAL FOUNDATION TO NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. I ask unanimous consent to insert in the RECORD a letter from Mr. Francis P. Garvan offering, on behalf of the Chemical Foundation (Inc.), of New York, N. Y., a gift of $100,000 to the National Institute of Health, and my reply thereto.

There being no objection, Mr. Garvan's letter and Senator RANSDELL's reply were ordered to be printed in the RECORD, as follows:

THE CHEMICAL FOUNDATION (INC.),
New York City, June 20, 1930.

Hon. JOSEPH E. RANSDELL,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am writing to you to ask you to confer with the Surgeon General of the Public Health Service and convey to him the offer of the Chemical Foundation of gift No. 1 of $100,000 to the National Institute of Health, the income of which is to be used for one or more fellowships in basic chemical research in matters pertaining to public health. Details are left by us to the Surgeon General and his advisory committee.

It is with great pride that we feel ourselves able to institute the giving of private funds for the endowment of fellowships in the great governmental work which the bill sponsored by you has made possible.

Our representative, Mr. William F. Keohan, is constantly in Washington and at your service with regard to details.

Yours very truly,

FRANCIS P. GARVAN.

JUNE 23, 1930.

Mr. FRANCIS P. GARVAN,
The Chemical Foundation, New York City.

DEAR MR. GARVAN: I am just in receipt of your letter of the 20th asking me to convey to the Surgeon General of the Public Health Service your offer on behalf of the Chemical Foundation of gift No. 1 of $100,000 to the National Institute of Health. This is extremely generous, and I can not tell you how gratified I am to have your letter. This gift is the first to the National Institute of Health, and I believe it is the harbinger of many others in the near future.

On behalf of the countless millions of suffering human beings who will derive untold benefits from the work of this institute permit me to thank you for this princely donation.

With highest esteem, believe me,

Cordially and sincerely yours,

JOS. E. RANSDELL.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 322) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia, reported it without amendment and submitted a report (No. 1077) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4708) to amend the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska, in cooperation with the Dominion of Canada," approved May 15, 1930, reported it without amendment and submitted a report (No. 1079) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 12842) to create an additional judge for the southern district of Florida, reported it without amendment and submitted a report (No. 1081) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 1063) for the relief of Alice Hipkins, reported it with an amendment and submitted a report (No. 1082) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3238) for the relief of Martin E. Riley, reported it adversely and submitted a report (No. 1083) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4671) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., reported it with an amendment and submitted a report (No. 1084) therein.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4687. A bill granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island (Rept. No. 1085); and

S. 4690. A bill granting the consent of Congress to the State of Montana or the county of Roosevelt, or both of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont. (Rept. No. 1086).

LIMITATION AND REDUCTION OF NAVAL ARMAMENT

As in executive session,

Mr. BORAH, from the Committee on Foreign Relations, to which was referred Executive I (71st Cong., 2d sess.), a treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, reported it without amendment, and it was placed on the Executive Calendar.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, submitted his individual views on the foregoing treaty, which were ordered to be printed as Report No. 1080.

REPORTS OF NOMINATIONS

As in executive session,

Mr. HALE, from the Committee on Naval Affairs, reported the nominations of sundry officers in the Navy, which were placed on the Executive Calendar.

Mr. HEBERT, from the Committee on the Judiciary, reported the nomination of Louis H. Crawford, of Georgia, to be United States marshal, northern district of Georgia, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4744) to amend section 1 of the act of May 12, 1900 (31 Stat. ch. 393, p. 177), as amended (U. S. C., title 26, ch. 21, sec. 1174); to the Committee on Finance.

By Mr. WALSH of Montana:

A bill (S. 4745) granting the consent of Congress to the county of Roosevelt, State of Montana, to construct a bridge across the Missouri River at or near Culbertson, Mont.; to the Committee on Commerce.

By Mr. BROCK:

A bill (S. 4746) to confer additional jurisdiction on the United States Board of Tax Appeals, and for other purposes; to the Committee on Finance.

By Mr. ROBINSON of Indiana:

A bill (S. 4747) granting a pension to Rosa Ada Lee (with accompanying papers); and

A bill (S. 4748) granting an increase of pension to Marinda M. De Puy (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER and Mr. TRAMMELL:

A joint resolution (S. J. Res. 197) making an appropriation for Caloosahatchee River and Lake Okeechobee drainage areas, Florida; to the Committee on Appropriations.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. REED submitted an amendment proposing to pay $300 to James F. Sellers for extra services rendered the Senate during the consideration of the tariff bill, intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER and Mr. TRAMMELL submitted an amendment intended to be proposed by them to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 127, after line 8, to insert:

"Caloosahatchee River and Lake Okeechobee drainage areas, Florida: For improvement of the Caloosahatchee River and Lake Okeechobee drainage areas, Florida, on account of emergency flood conditions, to be expended under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the report submitted in Senate Document No. 115, Seventy-first Congress, second session, $2,000,000, to remain available until expended."

Mr. HARRISON submitted an amendment proposing to appropriate $25,000 for an additional amount to enable the Secretary of Agriculture to collect, publish, and distribute by telegraph, mail, or otherwise timely information on the current market prices of cottonseed and cottonseed products independently and in cooperation with State agencies, etc., intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 74, line 21, insert the following: "on the site of the existing post-office and Federal office building or"

Mr. McKELLAR submitted amendments intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 82, line 24, after the word "building" to insert "or, in the discretion of the Secretary of the Treasury, the acquisition of additional land, and remodeling and extension of the present building"

On page 120, after line 20, to insert:

"Toward rebuilding and resurfacing with concrete, the road situated in Shiloh National Military Park in Tennessee, from the original boundaries of the park to the Corinth National Cemetery at Corinth, Miss., at a total limit of cost of $306,000 there is hereby reappropriated the sum of $100,000 already appropriated in the military affairs appropriation act approved May 28, 1930, to be expended under the direction of the Secretary of War under the terms of this act instead of under the terms of said act of May 28, 1930: *Provided*, That the State of Tennessee will build a like concrete road from the boundaries of Shiloh National Park northward to connect with Tennessee State Highway No. 15, a distance of about 5 miles, such road to be built prior to the completion of the road provided for herein."

MERGER OF THE GEORGETOWN AND WASHINGTON GAS LIGHT COMPANIES

Mr. HOWELL submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, which was ordered to lie on the table and to be printed.

PRINTING OF ADDITIONAL COPIES OF LOBBY HEARINGS

Mr. NORRIS submitted the following resolution (S. Res. 297), which was referred to the Committee on Printing:

Resolved, That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the Senate be, and is hereby, empowered to have printed for its use 700 additional copies of part 2 of the hearings held before its subcommittee on lobby investigation.

INVESTIGATION RELATIVE TO THE ALASKA RAILROAD

Mr. HOWELL submitted the following resolution (S. Res. 298), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a special select committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to investigate the operations, economic situation, and prospects of the Alaska Railroad, and to report to Congress as soon as practicable the results of such investigation, together with its recommendations for legislation in connection therewith.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places (in the continental United States and in Alaska) during the sessions and recesses of the Senate until its report is submitted, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On June 19, 1930:

S. 420. An act for the relief of Charles E. Byron, alias Charles E. Marble;

S. 1447. An act for the relief of Pasquale Iannacone;

S. 3784. An act for the relief of John Marks, alias John Bell;

S. 3866. An act for the relief of Joseph N. Marin;

S. 4050. An act to confer full rights of citizenship upon the Cherokee Indians resident in the State of North Carolina, and for other purposes; and

S. 4140. An act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes.

On June 20, 1930:

S. 4583. An act to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872.

On June 21, 1930:

S. 174. An act to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in one of the Southern States;

S. 465. An act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States;

S. 1372. An act authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians;

S. 2414. An act authorizing the Government of the United States to participate in the international hygiene exhibition at Dresden, Germany, from May 6, 1930, to October 1, 1930, inclusive;

S. 3421. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.;

S. 4017. An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act; and

S. J. Res. 190. Joint resolution authorizing the Postmaster General to accept the bid of the Mississippi Shipping Co. to carry mail between United States Gulf ports and the east coast of South America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes

of the two Houses on the amendment of the Senate to the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The message also announced that the House had passed a joint resolution (H. J. Res. 367) to amend the act entitled "An act to create in the Treasury Department a bureau of narcotics, and for other purposes," approved June 14, 1930, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 304. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles*;

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages from the President of the United States submitting nominations and treaties, which were referred to the appropriate committees.

DEXTER (MICH.) METHODIST EPISCOPAL CHURCH—ADDRESS BY SENATOR COPELAND

Mr. VANDENBERG. Mr. President, the distinguished senior Senator from New York [Mr. COPELAND] returned to the home of his youth at Dexter, Mich., last week and delivered a brilliant address on the subject "A Senator Looks at the Church." The Senator from New York retains a beautiful fidelity to the State of Michigan and to the town of his forbears. He is a regular and always welcome visitor. Upon this recent occasion he discussed a matter of wide public interest. I ask unanimous consent that his address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

This year, 1930, marks the one thousand nine hundredth anniversary of the birth of the Christian Church. It is an important anniversary in Dexter for another reason. It is the one hundredth birthday of this Methodist Episcopal Church Society. Is it not an appropriate time for serious review of the past and a time to consider the future?

When we look about and give thought to the comforts of present-day living, 1830 seems ages ago. It is difficult to believe it is but a century and a quarter since the first Methodist minister preached his initial sermon in what is now the State of Michigan. Yet it is true that a brave soul named Freeman, a local preacher, from somewhere in Canada, was first of our denomination to proclaim the gospel in Detroit; that was within the lifetime of our grandparents, in the spring of 1804.

The early settlers of Detroit were Roman Catholics. It was essentially a French community, far removed in spirit and practice from the austerities of early Methodism. I am not surprised to learn that Brother Freeman's visit was a short one; he disappeared within a few days.

It would not be true to say Mr. Freeman was the first Protestant minister to visit this territory. As a matter of fact, certain Moravian preachers spent a winter here at the end of the Revolution. They made no efforts to reach the whites, confining their evangelistic efforts to the Indians and speedily returning to Ohio whence they came.

Rev. David Bacon was another of the early preachers. He was sent out by a Congregational Society in Connecticut, apparently inspired by the story of Father Marquette. As that great Jesuit was filled with the desire to help the Indians, so Mr. Bacon sought to establish a mission among them. At Mackinaw and in the Northwest he found no encouragement, giving up in despair.

On his way back to the East he stopped off in Detroit, preaching during a brief period, till the Methodists came on the scene. It is related of Mr. Bacon that he said to the next Protestant minister who appeared: "If you can do the people any good, I shall be glad of it, for I can not."

As I have witnessed the honest efforts of ministers of the gospel, preaching excellent sermons to empty pews, I have marvelled at their bravery. It takes faith and a lot of it to be a minister!

We come now to the first official recognition of the spiritual needs of the Michigan Peninsula. It is with some pride that I say my own conference, the New York conference, at a session held in New York City in July, 1804, determined to enter this field. The Rev. Nathan Bangs was appointed to the Thames Circuit, in upper Canada district.

Detroit was determined upon as one of the appointments on this circuit. But, alas! poor Doctor Bangs met the usual Protestant fate! The frosts of late October nipped his ambitions, and he, too, fled from the territory.

Shortly after this all but 1 of the 150 houses in Detroit were destroyed by fire. One writer, commenting upon the fact, said: "Whether this destruction had any relation to their rejection of the gospel, everyone must judge for himself!"

The New York conference appears to have been discouraged, because no record is shown of further effort to Protestantize Michigan until 1809. At the session in May of that year the Rev. William Case was appointed to Detroit.

The poor man had a dreadful prospect before him. There was not a Protestant convert to religion in the entire area of Michigan Territory.

It was the custom of those times to cultivate the field, preaching and exhorting till there were converts enough to organize a society, a church. That was the case in Dexter. We are celebrating to-night the centenary of Methodism in Dexter, not the centenary of the church, because that was organized two years later, in 1832. But, as in Detroit where the first regular preaching began in 1809, it was more than a year before a Methodist church society was organized.

The experiences of Detroit were repeated in Dexter a quarter of a century later. First there was the preaching of the gospel, conversions resulted, and in due time the little band of Christians was strong enough in numbers, as well as in faith, to organize a church.

It is recorded that the first preaching of the gospel by a Methodist minister to the meager population of Dexter was in the spring of 1830. Just 100 years ago the Rev. S. B. Gurley, of the Ohio conference, began his work here. His preaching became a regular part of the community life.

At that time Dexter was a part of the Huron circuit. Scattered and few were the inhabitants. As I shall show you pretty soon, it required physical as well as religious heroism to travel that circuit. The country was a wilderness. Wolves and other wild animals, unfriendly Indians and white men who indulged freely in liquor far outnumbered those who were likely to be reached by the tender and kindly influences of the Christian religion.

In the fall of 1830, a few months after Mr. Gurley established his work in Dexter, the Huron circuit was renamed. It was known for a long time after as the "Ann Arbor circuit." Its area was much larger geographically than what is called now the "Ann Arbor district." Very shortly the church in Dexter was organized, but before speaking of that I wish to mention another event in the remarkable year of 1830.

I refer to the coming to this circuit of a man who was destined to be the most vital factor in the growth and increasing power of Michigan Methodism. Together with an older associate, there came to take charge of the circuit the Rev. Elijah H. Pilcher.

As I have studied Michigan Methodism, there has come to my soul the profound conviction that Mr. Pilcher was one of the greatest missionaries the world has ever known. It takes a long time for some men to win the fame to which they are entitled by all the rules of history and justice.

During the past two or three years Andrew Johnson, seventeenth President of the United States, has been given the place he deserves in the history of our country. Writers of biography are vying with each other in their passionate desire to give President Johnson his greatly belated recognition. It has taken 60 years for an ungrateful Nation to bestow upon him the honors which should have been his long, long ago. Similar has been the fate of Mr. Pilcher.

I wish I might know how the colleagues of his old age in the Detroit conference regarded Doctor Pilcher. Certainly they must have recognized the large part he took in pushing out the boundaries of Methodism. Should by chance these words of mine be heard by anybody having knowledge of the life and deeds of Pilcher, I shall take it as

the highest sort of favor to be given every scrap of evidence relating to this noble character.

There are pictures of Doctor Pilcher, pictures taken late in life. But I am seeking a picture of the man in his youth. He may be referred to as a "boy preacher," because he was only 19 or 20 years of age when he came to the Huron circuit. Where is there an authentic picture of this wonderful lad? I beg of you to help find it.

The only description I have found of the appearance of my hero is taken from an address made by our old friend, Russell Cooley Reeue. In a history of the Dexter Methodist Episcopal Church, read at a reunion on November 19, 1896, is this sentence:

"Pilcher was of medium size, of an unusually square build, deep chested, and earnest in deportment."

In his own History of Protestantism in Michigan is a photograph of Doctor Pilcher. But it pictures the man as he was a full half century after he visited Dexter in 1830–31, and not as he appeared when he organized this society in the spring of 1832.

We rejoice in the hundred years of Methodism's unbroken record in Dexter and are proud of the achievements of this society. But, of course, we do not place Mr. Pilcher's claim to fame upon his pioneer work in this village. Important to us as is the effect of his labors in Dexter there are other more significant monuments to his glory.

The church at Ann Arbor, the head of the Huron circuit, dates back to Pilcher's pastorate. That is true of the church of Jackson, as well as the church at Grand Rapids.

Pilcher was the prime mover in the Bay View organization. He had a large part in the organization of Albion College. Indeed, wherever this remarkable man went the spiritual wilderness bloomed.

I wish to tell you in his own words the work of one day. I speak of it because it gives a graphic picture of the early days in Washtenaw County, in this very Huron circuit, and almost at the very door of his church.

Mr. Pilcher kept a diary. It is recorded that in October, 1831, he had been in the western part of the circuit. On the 13th, which he must have considered an unlucky day, he was struggling to get from Jackson to Ann Arbor, traveling on what is now the old Territorial Road. I quote:

"Thursday, 13th. Rode to Ann Arbor, 40 miles, over the worst road I ever met with. The Grand River at Jackson was very high, so that the logway on each side of the bridge was all afloat. My horse soon went down across the logs. Had to dismount, help him off, and lead him across by the end of the bridge. All the bridges across the marshes and little streams were either afloat or were carried away. Occasionally I would make my horse leap across the creek, but sometimes I had to strip him and drive him through and get myself and my baggage over the best I could. Near sundown I reached Mill Creek at Lima Center, where I found the bridge entirely gone, except the stringers. There was no time to parley. I stripped my horse and drove him into the creek. He went to the opposite bank, but would not leap up, and he came back. Drove him in again, with the same result. This time I put the saddle on and mounted, having left my saddlebags, overcoat, and undercoat on the bank. The water came over the top of the saddle—made him leap up the bank, and we pressed on, but when we had got about halfway over the wide marsh he mired down and could not help himself. Dismounting, I rolled up my sleeves, plunged my hands down into the mud, pulled out his feet and got them onto fresh turf, and assisted him up. Went back after my things, mounted, and rode 11 miles to Ann Arbor. Reached there about 9 o'clock p. m., wet, cold, tired, and hungry."

Even under modern conditions the itinerant ministry has its drawbacks. But who can fail to be thrilled by the sacrifices made by those zealous preachers of long ago? Think of what Pilcher gave of his body and mind in order that Huron circuit, the church at Dexter, and our grandparents might receive the gospel.

I wish I might have known that hero of olden times! His spirit is present, I am sure. We can commune with him even if we can not see him.

In that all too brief description of Mr. Pilcher, Brother Reeue said he was "earnest in deportment." Undoubtedly he was that and also eloquent in his preaching, a great exhorter.

There fell under the spell of his words a young boy of whom much was to be heard in later years. The conviction of sin came to this youth and it was not long before he was at the altar rail. Under the guidance of Mr. Pilcher the lad was led into the joy and fullness of religion.

That boy was Judson Collins, who became the first of Methodism's great missionaries. He broke through the conservatism of ancient China and carried to that land the gospel of Jesus Christ. The gate Collins opened has never been closed.

The Huron circuit and Mr. Pilcher have much to memorialize them, but bronze and granite are incapable of being used in monument so lasting, so compelling, so significant as the life of Judson Collins. We should be proud that the mortal remains of that remarkable man of God lie in the old Huron circuit. In a little cemetery in Lyndon township of this county rests the body of this selfless follower of the Nazarene.

You see, my friends, Elijah H. Pilcher was used of God to aid Him in the performance of many wonders. Those of us who have been ministered to in this Dexter Church have particular reason to bless the memory of this self-sacrificing father in Israel.

When I was a small boy there lived next door to us a pious neighbor, Mr. Evander Cooper, a native of New York. This good man was not only a Cooper by name but a cooper by trade. His shop was at the foot of Huron Street by the well where hung the old oaken bucket.

The bright tools of that shop and the shavings they would make were the joy of my young heart. Many a day after school and many an hour on rainy Saturdays I spent with my dear old friend.

He talked to me of many things, of his own youth, of his journey to Michigan. He told me about the early days of Michigan. We hinted at the needs of the soul.

You will recall that on Huron Street stands the old Dexter mansion, now much restricted in size. When I was a boy all its rambling wings and long side porches were still well-preserved in spite of the ancient origin of the building.

Many a time Mr. Cooper took me to the door of his shop to point out where the Methodists used to meet in pleasant weather on the east porch. "In that building it was," Mr. Cooper said, "that the Dexter Methodist Church was organized in 1832."

It is recorded that on March 15 of that year Mr. Pilcher preached and then proceeded to the organization of the church society. Perhaps we may consider the even dozen who joined the church that day as the twelve apostles of Dexter Methodism.

For the sake of the record I will include here the names of those who participated actively in that memorable meeting. They were:

Athelia Allen, Abigal Dunlavey, and John Doane presented their letters. These were received on probation: Dr. Cyril Nichols, Mary Nichols, William Hudson, Sarah Hudson, Phelina Nicholas, Silas Peck, Electa Pattengill, Samantha Riggs, and Dorina Phelps. Of others who were present on that notable day was my old friend Mr. Cooper. He handed in his letter a few weeks later. His sister Emily and Mr. Doane were first to be married among the members of the new church society.

I am not clear as to why no mention is made of the part Judge Dexter must have taken in the organization of the Dexter Church. There is every reason in history and tradition for believing that one of his dearest desires was to have Methodism strongly entrenched in the Huron circuit. He had much to do with the construction of the dear old building, the predecessor of the present church.

Judge Dexter was abroad for a year, and I have an idea it was during this absence that Mr. Pilcher organized the church society. Certainly if he were within reach, his name would have been included among those who were present at the initial meeting. In any event he was active in arranging for the building of the meeting house and, if memory serves me, donated the land upon which the church was built. He was most active of all those who planned the building project.

The membership had increased greatly. Until a house of its own could be had, the old Hotel Waldo, a wooden structure, beside what is now the park, was the meeting place.

In 1842 the eager members started the building of the church home. Calvin Fillmore, a brother of President Fillmore, was given the contract and had the church ready for dedication in 1843. It served its noble purpose for more than 80 years.

It must be admitted that many changes have come over Methodism in the course of a hundred years. The life of the church member of to-day is not what it was when Elijah Pilcher first preached in Dexter.

I need not remind you of the changes that have revolutionized society. Nothing to-day is as it was then. Modern conveniences have made life easier. I wonder if the softer life has softened character?

God is from everlasting to everlasting. He does not change. His goodness endureth forever. But the power of the gospel presentation, as I see it, is not so great as it was when this church was born.

When I say this I have no criticism to make of any individual preacher. What I say relates to the church in general and not to any given minister or to any given denomination. Please bear this in mind.

If Elijah Pilcher had argued for movements that are political in their nature, if he had railed against institutions, powers, and potentates, if he had discussed "issues," instead of crying for repentance and a new life, this organization would not have survived. If it is to continue a force for good, the church must use the methods of the founders.

As I see it, the church must be tolerant of all things except sin. It must be intolerant of evil and evil conduct, but never intolerant of men or institutions striving honestly and earnestly in their way for what they believe is right.

In short, this church, if it is to survive another century, must keep in mind its spiritual mission. It must not be tempted from its stated path, either to inspect strange doctrines or to take a fling at something with which it is not its mission to deal. To preach the gospel of Christ and Him crucified is a task sufficient to command the energies of the church.

Doubtless there is a temptation to attempt to fill empty seats by sensational attacks upon things social, economic, or political. There is

the same temptation for statesmen to go far afield in efforts at "progressive" legislation. The Constitution is forgotten in an effort at solving some social or economic problem by unusual and fantastic legislation.

It is human to be tempted into experimental methods of treatment. Alas! In the long run, these methods result in serious harm. Whether preacher or statesman, it is far safer to depend on constitutional methods.

The constitution of the church is the Holy Bible. All the precedents indicate that to conform to what we call "old-fashioned religion" is the surest way to make the church a greater force a hundred years from now than it is to-day.

When I speak of "old-fashioned religion," I do not refer to the preaching of "hell and damnation." I have in mind the tender and sympathetic utterances of the Master, the sweetness and soul-satisfying religion that purifies the life and whitens the soul.

I say in all reverence that the least worthy of the acts of Jesus, as I view it, was his violence on driving the money changers from the temple. It was the human side of the Master that we see in that occurrence. It is the utterance of Jesus. "Forgive them; they know not what they do." It is the spirit of this prayer that gives immortality to the religion of the Lord Jesus Christ.

As I study the career of Elijah Pilcher, it was preaching of this sort that made him the power he was and the power he continues to be. His spirit goes marching on, not alone on the Huron circuit but throughout the State of Michigan, in China, in all places to which his contacts can be traced.

At the dedication of the present church building I said this: "A man may leave Dexter and the Methodist Church here, but Dexter and the Methodist Church will never leave the man." We can never forget them.

I love this village and this church. I am thankful to the pioneers who gave them to us. For a hundred years this church has contributed to the spiritual welfare of the community. My prayer is that it may continue its inspiring work for another century; my prophecy is that it will do so if its members emulate the example of our ancestors in the faith.

MUSCLE SHOALS AND THE COTTON QUESTION

Mr. HEFLIN. Mr. President, I ask leave to have printed in the RECORD a brief statement regarding Muscle Shoals and the cotton question.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HEFLIN AT THE WHITE HOUSE

Senator HEFLIN, who has incessantly waged war for Muscle Shoals and who has been a member of the Senate committee that has three times considered and reported to the Senate bills for the operation of the Muscle Shoals project that required the making of cheap fertilizer for the farmer, and who has three times been successful as one of the leaders in the fight to procure favorable action by the Senate, had a conference with President Hoover to-day regarding the present situation in Muscle Shoals legislation.

He reminded the President that the bill that passed the Senate several weeks ago was rejected by the House of Representatives, and that the House had passed an entirely different bill for the disposition of Muscle Shoals, and that the two bills had been hopelessly deadlocked in the conference committee between the House and the Senate until the Senate conferees unanimously agreed to accept the House bill with certain amendments proposed by Senator NORRIS regarding the making of fertilizer and selling light and power to the communities about Muscle Shoals.

Senator HEFLIN told the President that while neither one of the bills was entirely satisfactory to him, he felt that the compromise measure should be agreed upon and the matter disposed of at this session of Congress, and expressed the hope that the President would use his good offices in bringing about an agreement between the House and Senate conferees to the end that this long-debated and oft-considered question would be promptly disposed of before this session of Congress adjourns. He told the President that he was exceedingly anxious to have the question disposed of now, not only because the Government is losing millions of dollars every year on unused or wasted power at Muscle Shoals, but because the farmers are entitled to have a portion of that power used immediately for the manufacture of fertilizer, so as to relieve them from the high prices now charged by the Fertilizer Trust; and last, that the people who live at Florence, Sheffield, Tuscumbia, and in the counties of that section had been led to believe that President Hoover would see to it that all the power at Muscle Shoals would be put to work in earnest early in his administration. He said that the disposition of it at this time would relieve a very distressing situation in that section.

Senator HEFLIN told the President that Alabama, the South, and the whole country would be pleased to have the Muscle Shoals matter settled at this session of Congress.

COTTON

When the Alabama Senator had finished with Muscle Shoals he took up with the President a question dear to his heart—the cotton question. He told the President that the present price of cotton was way down below the cost of production and that the advance in price to a profitable basis of no other product in the United States would be so helpful and powerful in bringing prosperity to the whole people of the United States as a profitable price for cotton. He said nobody ever saw or heard of hard times in the United States when cotton was bringing a good price. He requested the President to urge the Farm Board to use its power and do its full duty under the farm relief law to enable the cotton farmers of the United States to receive at least 20 cents a pound for the cotton crop of 1930. He says that the vast and varied uses to which American cotton is being put and the high price being paid for many articles made of American cotton that the cotton farmer is justified in asking and demanding more than 20 cents a pound. He mentions an instance where a Frenchman manufactured one bale of American cotton into "hard laces" and sold the output for $1,004.

POLITICAL SITUATION IN ALABAMA

Mr. HEFLIN. Mr. President, I ask leave to have published in the RECORD a letter written by me to the editor of the New York World under date of June 20, 1930, on the political situation in Alabama.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR HEFLIN REPLIES TO HALL

WASHINGTON, D. C., *June 20, 1930.*

EDITOR NEW YORK WORLD:

I have just read Grover C. Hall's article concerning me and the political situation in Alabama.

Grover C. is a very good writer of fiction, but nobody in Alabama takes him seriously when he undertakes to tell "the world" what is going to happen in Alabama, politically. As a rule, the Democrats of the State vote against Grover C.'s candidate. They know that Grover C. likes to paint rosy pictures to put before those that he desires to become interested in a substantial way in his position and propaganda. It's good for Grover C., but it's ——— on those who invest in his political enterprises. Go read the back issues of the Montgomery Advertiser, the paper that Grover C. writes for in Alabama, and note what happened when Judge Teasley ran for the Democratic nomination for governor a few years ago. The paper that Grover C. works for, the Advertiser, picked Teasley as the winner, and told its readers day by day that he would be nominated beyond a doubt—couldn't lose. Well, when the primary election was over, Teasley had received 18,000 votes out of 160,000 votes cast in the primary.

But Grover C. knows how to write "ar-tic-les" that will help along his "works." The truth is, four-fifths of the Democrats who voted for Smith in 1928 in Alabama did not want to vote for him.

Grover C. tells the New York World and Tammany that he knows of a great many Democrats in Alabama who voted for Hoover who are now "ashamed" of their stand in 1928. That strange and "studied" statement of Grover C.'s will cause many a Democratic man and woman in Alabama to "smile." Unless it is a secret and a confidential matter, may I ask the New York World how much it paid Grover C. to write that story about me and the political situation in Alabama?

J. THOS. HEFLIN.

SENATOR HEFLIN'S REPLY TO THE GADSDEN TIMES, GADSDEN, ALA.

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by me to the Gadsden Times, of Gadsden, Ala., explaining my opposition to the confirmation of Judge Parker and to Alfred E. Smith as a presidential candidate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *June 21, 1930.*

The GADSDEN TIMES,
Gadsden, Ala.:

I have read your unwarranted, unfair, and ridiculous editorials regarding me in connection with the rejection of Judge Parker for Associate Justice of the Supreme Court of the United States. Your editorials criticizing me commit you to the support of Judge Parker, for you bitterly attack me for opposing his confirmation as a judge for life on our Supreme Court.

The Bible says, "by their fruits ye shall know them." I opposed Judge Parker for two reasons. First, because he rendered a decision as judge of the Circuit Court of Appeals which showed him to be not only unfriendly but unfair and dangerously antagonistic to organized labor in the United States. Second, because, as a judge of the same Circuit Court of Appeals, Judge Parker rendered a decision in the Richmond, Va., case in favor of the negroes against the white people of Virginia who were contending that they had the right to "segregate"

the races—have negroes live in one section and whites in another section of the city, instead of having negro houses mixed in with white residents all over the city of Richmond.

Judge Parker, in his decision, ruled against the white people of Richmond and in favor of the negroes. That decision was against my position on the negro question and against the position of the white people of the South.

These are the facts. Was I right or was I wrong in opposing his confirmation as a Supreme Court judge for life? Answer in your editorials as soon as you receive my letter. I ask you to do that because I am going to speak in Gadsden Saturday, June 28. I am writing you in advance so that you may have an opportunity to express to the people who support and read your paper just how you now feel on the subject since you have received the facts about the matter from one whose duty it was to know the facts when he opposed and helped to defeat Judge Parker's confirmation. There were Republican Senators as well as Democratic Senators who opposed his confirmation.

I opposed Governor Smith for President, among other things, because of his position on the negro question—because he favored social equality between negroes and whites. You know that the negro's best friend is in the South, and we owe it to ourselves and to the negro to tell him the truth, and that is that God Almighty made the white race superior to every other race under the sun, and we are going to rule this country at any cost.

After reading the Smith-Tammany campaign literature appealing to the negro vote, I charged on the floor of the Senate in the spring of 1928, before Smith was nominated, that he was not in sympathy with the white people of the South in their position on the negro question and white supremacy; that he not only stood for social equality between negroes and whites, but that he believed in and permitted while Governor of New York State the marriage between negroes and whites. Do you agree with me that no Democrat in Alabama would have voted for Smith for President in 1928 if he or she had known that that was his position on the negro question? He refused to answer during the campaign in 1928, and he has not answered to this day.

Now, I ask you to write to Governor Smith and ask him to deny in detail the charges that I have made against him. He owes it to you to make a fair and frank answer. Get his answers and publish them so that I can comment upon them when I speak at Gadsden. If he does not respond to your request, get Congressman McDUFFIE, Ed Pettus, and O'Toole, of Montgomery, to ask him to deny the charges that I have made against him and that he is in favor of social equality between negroes and whites and that he approves of marriage between negroes and whites, and favors negroes and whites attending the same church, and negro and white children going to the same school.

J. THOS. HEFLIN.

Please publish.

MOTOR-BUS TRANSPORTATION

Mr. COUZENS. Mr. President, I move that the Senate proceed to the consideration of Order of Business 726, being House bill 10288, the motor bus bill.

The VICE PRESIDENT. Let the bill be reported by its title.

The CHIEF CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan.

Mr. JONES. Mr. President, I shall not oppose the motion of the Senator at this time, but I want it understood that I shall expect to take up the deficiency appropriation bill to-morrow at the first opportunity, and, if necessary, I shall make a motion to that effect.

Mr. BINGHAM. Mr. President, I should like to ask the assistant majority leader whether it is the intention to adjourn to-night, so that the calendar may be considered to-morrow?

Mr. McNARY. Yes; I am going to move an adjournment later on with that object in view.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

CONSIDERATION OF CALENDAR

Mr. REED. Mr. President, I should like to inquire of the Senator from Oregon, the assistant majority floor leader, whether we can not have the calendar considered to-morrow morning?

Mr. McNARY. I am going to move an adjournment for the purpose of having the calendar considered in the morning.

Mr. REED. Under the rule, to-morrow not being Monday, would the calendar nevertheless be considered if we adjourn to-night?

Mr. McNARY. Yes; it would automatically come up.

BUREAU OF NARCOTICS IN TREASURY DEPARTMENT

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution coming over from the House, which will be read.

The joint resolution (H. J. Res. 367) to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That subsection (b) of section 2 of the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, is amended by striking out the word "specific" and inserting in lieu thereof the word "specified."

SEC. 2. Section 9 of such act of June 14, 1930, is amended to read as follows:

"SEC. 9. This act shall take effect on July 1, 1930."

Mr. WATSON. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. JONES. Mr. President, I inquire if the joint resolution has been reported by any committee?

The VICE PRESIDENT. It has been on the table and has been laid before the Senate from the table.

Mr. JONES. As a general rule, I am opposed to considering bills and joint resolutions without reference to committees.

Mr. GEORGE. Mr. President, may I say to the Senator from Washington that the joint resolution which has passed the House proposes an amendment to an act which has been passed by both Houses. The only thing it does is to correct one word and change the date when the law shall go into effect. As the original bill creating the narcotics bureau was passed, it left that bureau suspended for a couple of weeks, or until after the transfer of the Prohibition Bureau to the Treasury Department. This joint resolution passed by the House simply provides a necessary amendment to correct a misplaced word, in the first place, and to make the act effective upon a date earlier than it otherwise would have been effective.

Mr. JONES. Of course, under those circumstances, it would have been very easy to have referred the joint resolution to the committee and have had it reported back.

Mr. GEORGE. Let me make this further statement.

Mr. JONES. I do not like the procedure of passing bills without reference to a committee.

Mr. GEORGE. It would have been a very easy matter, but let me say to the Senator that the bureau has only about one week in which to make this entire transfer, and therefore the necessity of getting the joint resolution through promptly.

Mr. DILL and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to my colleague.

Mr. DILL. I want to remind my colleague that the action now proposed is not without precedent. I recall that when the session was closing last year a bill came over from the House to authorize an appropriation for the Nicaraguan Canal survey, and I heard no protest, except my own, then made against taking it up immediately without reference to a committee. So the action now proposed is not without precedent.

Mr. JONES. I probably was not on the floor, because I myself have made it a rule to object under such circumstances.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I yield.

Mr. COPELAND. It was the desire of the Senator from Utah [Mr. SMOOT] that this joint resolution be passed to-day because of the shortness of the time, and if he were here he would be urging its passage, as he hoped to do earlier in the afternoon.

Mr. JONES. Of course, I have very high regard for the Senator from Utah, but I dislike to see such precedents made. My colleague has just called attention to one, and if we add another one and continue along in that course the first thing we know we will be passing bills from the House without their having had any consideration by a Senate committee or anything of the kind.

Mr. GEORGE. I can assure the Senator that the bill, in the first place, passed the House, came to the Finance Committee, was considered, reported to the Senate, and was passed by the Senate, and sent back to the House. This amending joint resolution relates entirely to the matters to which I have directed the attention of the Senate.

Mr. JONES. This joint resolution could be referred to the committee and reported back to-morrow and passed, so I object.

The VICE PRESIDENT. The Senator from Washington objects, and the joint resolution will be referred to the Committee on Finance.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, at the beginning of the session to-day, the Senate voted to send back to conference the District of Columbia appropriation bill. I read in the Evening Star that—

When the motion to disagree further and send the bill to conference was made in the House to-day by Chairman SIMMONS of the Subcommittee on District Appropriations, Representative CRAMTON, Republican, of Michigan, author of the original provision for the lump-sum contribution, was the only speaker on the motion.

He pointed out that the House, after a disagreement had been reported, by a record vote of nearly 20 to 1, insisted that the House conferees remain firm in their disagreement.

"As yet there has been no record vote in the Senate," said Representative CRAMTON, and he argued that "there should be a record vote in the Senate so that the House membership can know what is the real sentiment of the Senate. "I hope," he said, "that the House conferees will not be in any hurry to compromise on this Senate amendment until the Senate membership has been given an opportunity to express their views by a record vote."

In view of that fact, Mr. President, I am going to ask unanimous consent to do the only thing which may be done, and that is at this time to submit a resolution stating:

That it is the sense of the Senate that $9,000,000 is not a sufficient contribution to be made by the Federal Government to the expenses of the District of Columbia.

I am taking this action in order that to-morrow the resolution may come up at the proper time when resolutions coming over from a preceding day are laid before the Senate; and I shall ask for a record vote at that time, so that we may know whether the Senate believes, with its conferees on this bill, that $9,000,000 is not a sufficient amount, and that the Senate conferees ought to compromise somewhere between the House figure of $9,000,000 and the Senate figure of $12,000,000. So I ask unanimous consent at this time to offer the resolution, in order that it may be acted upon to-morrow.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 299) was ordered to be printed and to be laid on the table, as follows:

Resolved, That it is the sense of the Senate that $9,000,000 is not a sufficient contribution to be made by the Federal Government to the expenses of the District of Columbia.

NOTICE OF SUSPENSION OF PARAGRAPH 1, RULE XVI—AMENDMENT TO THE DEFICIENCY BILL

Mr. BLACK. I desire to give notice of a motion which I shall make to-morrow to suspend the rules so that I may offer to the second deficiency appropriation bill the amendment which I send to the desk. I inquire if it is necessary that the notice should be read?

Mr. JONES. I think it should be read.

The VICE PRESIDENT. It should be read.

Mr. BLACK. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

Pursuant to the provisions of Rule XL, I hereby give notice of my intention hereafter to move to suspend paragraph 1 of Rule XVI of the Standing Rules of the Senate for the purpose of proposing to House bill 12902, the second deficiency appropriation bill, the following amendment, namely:

Add at the appropriate place the following:

"For the further study and investigation of the salt marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, $25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Agricultural Department."

ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 24, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 23 (legislative day of June 18), 1930

ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

Oscar R. Luhring, of Indiana, to be an associate justice of the Supreme Court of the District of Columbia. (Additional position.)

Joseph W. Cox, of the District of Columbia, to be an associate justice of the Supreme Court of the District of Columbia. (Additional position.)

HOUSE OF REPRESENTATIVES

MONDAY, *June 23, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Merciful Heavenly Father, we thank Thee that Thou art sufficient to the needs of each day. Do Thou hush the voices of evil desire, motive, and passion, and make the image within us clear and strong to meet the conditions of life. Add divine meaning to each day and guard every soul; keep our hearts pure and our lips from speaking guile. In the Christian's faith may we rejoice in life, and by fidelity and watchfulness be prepared for every divinely offered opportunity. Help us to go on our way, and by honest work and faithful service find that life is good by doing something to make it good. Again we thank Thee for life that throbs and flushes and flashes in the color and beauty and fragrance of a June day. Amen.

The Journal of the proceedings of Saturday, June 21, 1930, was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I want to ask unanimous consent that to-morrow, after clearing up the business on the Speaker's table, the gentleman from Alabama [Mr. OLIVER] may have 15 minutes in which to address the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that on to-morrow, after the disposal of business on the Speaker's table, the gentleman from Alabama [Mr. OLIVER] may have 15 minutes to address the House. Is there objection?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, I do not see the gentleman from Connecticut [Mr. TILSON] and the gentleman from New York [Mr. SNELL] present in the Chamber at this moment. I never object, and I do not like to object now, but if the business for to-morrow has been arranged for, I think the calendar should be protected for business. I hope the gentleman will make his request at some other time.

Mr. GARNER. If the gentleman will permit, I imagine a number of matters will be taken up to-morrow. The gentleman from Alabama might get time in general debate. He telephoned to me this morning and asked me to get for him 15 minutes. We all know that he is not a gentleman who wants to take up the time unnecessarily. I hope the gentleman from Michigan will not object.

Mr. MICHENER. There are a number of other Members who intend to make similar requests.

Mr. GARNER. Does the gentleman anticipate that the majority leader will be back at an early hour?

Mr. MICHENER. I can confer with the gentleman from Connecticut later to-day.

Mr. HOWARD. Mr. Speaker, I asked unanimous consent to address the House for 15 minutes on to-morrow and there was objection. I would like to ask unanimous consent for five minutes right now.

Mr. BACON. Mr. Speaker, will the gentleman yield a moment to allow me to make a unanimous-consent request?

Mr. HOWARD. I will yield to the gentleman for anything.

Mr. BACON. Mr. Speaker, I ask unanimous consent to print in the RECORD the statements of President Hoover and Secretary Mellon and General Hines on the subject of World War veterans' legislation.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD the statements of President Hoover and Secretary Mellon and General Hines on the subject of World War veterans' legislation. Is there objection?

There was no objection.

WORLD WAR VETERANS' LEGISLATION

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letters of President Hoover, Secretary Mellon, and General Hines on the subject of pending World War veterans' legislation.

The entire file of correspondence of President Hoover; Senator JAMES E. WATSON, Republican leader of the Senate; Andrew W. Mellon, Secretary of the Treasury; and Maj. Gen. Frank T. Hines, Director of the Veterans' Bureau, concerning the veterans' bill was made public at the White House late this afternoon.

It was issued at the request of Senator WATSON.

PRESIDENT HOOVER'S LETTER

President Hoover's letter follows:

THE WHITE HOUSE,
Washington, June 21, 1930.

Hon. JAMES E. WATSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with our discussion I am sending herewith communications from Secretary Mellon and General Hines, Director of the Veterans' Bureau, on the subject of the World War veterans' legislation now before the Congress, showing the result of their investigation into the effect of the bill reported this week to the Senate. These memorandums confirm the views which I have expressed during the past few weeks, and I believe the Congress and the public should be informed thereon.

General Hines states that the bill which has been passed by the House of Representatives will add directly to our present expenditure for World War veterans (at present $511,000,000 per annum) by $181,000,000 for the first year, increasing annually until it reaches a possible additional sum of $400,000,000 a year. This bill, as amended by Senate committee, will add directly $102,000,000 the first year, ultimately rising to the addition of a sum of $225,000,000 per annum. Even these estimates are far from including the whole of the potential obligations created by the principles embraced in this legislation and the uncertain added expense by certain amendments to previous legislation.

Mr. Mellon states that the passage of this legislation implies positive increase of taxation at the next session of Congress.

CITES VIEWS OF VETERANS

It does not appear that these bills even represent the real views of the various veterans' organizations. The American Legion, after careful study as to what they considered the needs of their fellow veterans, proposed legislation which would require an additional annual expenditure of $35,000,000 per annum. Thus these measures which are before Congress represent an implied increase in expenditure of from three to ten times what these veterans themselves consider would be just. The Veterans of Foreign Wars and other organizations have contended for measures differing entirely from these now proposed.

General Hines has pointed out that this legislation goes far beyond immediate necessities and that of even more importance, it creates grave inequalities, injustices, and discriminations among veterans resulting from the methods adopted or extended in these bills, and creates future dangers to both the public and the veterans. The very fact that the committees of Congress and the various veterans' associations have themselves been, during the last six months, of many minds upon these questions indicates their extreme difficulty. There certainly comes from it all the conclusion that we should either have a sound plan now or should have more time for determination of national policy upon established principles in dealing with these questions for the future. We must arrive at such a basis as will discharge our manifest national obligation with equity among veterans and to the public.

WOULD SEE JUSTICE DONE

I do not wish to be misunderstood. There are cases of veterans who are in need of help to-day who are suffering and to whom I earnestly wish to see generous treatment given. But these situations do not reach anything like the dimensions of those measures.

We have stretched Government expenditures in the Budget beginning July 1 to the utmost limit of our possible receipts, and have even incurred a probable deficit principally for the relief of unemployment through expansion of public construction. Every additional dollar of expenditure means an additional dollar in taxes. This is no time to increase the tax burden of the country. I recognize that such consideration would carry but little weight with our people were the needs of our veterans the issue, and were we dealing with sound measures; but as General Hines presents, there are conclusive reasons for opposing an unsound measure which is against the best interests of the veterans themselves and places an unjustified load upon the taxpayers at a time when every effort should be made to lighten it.

I do not believe that just criticism or opposition should arise to such suggestions upon full understanding of the situation, for I know that the great body of patriotic men who served in the World War themselves realize that there are limits to expenditure and there are principles that should be adhered to if we are not to prejudice their interest both as veterans and citizens.

Yours faithfully,

HERBERT HOOVER.

SECRETARY MELLON'S LETTER

The letter from Secretary Mellon to President Hoover follows:

THE SECRETARY OF THE TREASURY,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I have your memorandum stating that the Director of the Veterans' Bureau estimates the cost in the fiscal year 1931 of H. R. 10381, as amended and reported by the Senate Finance Committee, to be $102,000,000, and the ultimate cost to be $225,000,000 annually. You ask me to give you my best judgment as to whether receipts for the fiscal year 1931 will be adequate to support this additional burden. I regret to say that they will not.

You appreciate, of course, the very great difficulty of estimating revenue 12 months in advance, particularly when, as under our system, the Government depends so largely on one form of tax, the income tax, which is directly susceptible to fluctuations in business conditions. An absolutely accurate estimate would presuppose our ability to forecast general business conditions over the period of the next 12 months, and this is obviously impossible.

Based on estimates of expenditures furnished by the Director of the Budget and on this department's estimates of receipts, which, I may add, are predicated on a not unhopeful attitude in respect of future business developments, the present indications are that the Government will close the fiscal year 1931 with a deficit of over $100,000,000. If the reduced income tax rate is to be retained and made applicable to 1930 incomes, present estimates forecast a deficit of approximately $180,000,000. These figures are, of course, exclusive of any additional burden to be imposed by new legislation.

DIRECTS ATTENTION TO PAYMENTS

I think I should call your attention to the fact that these figures are based on the assumption that interest payments to be made by foreign governments in accordance with existing debt settlements would be paid in United States Government securities, as they have almost universally been paid in the past, rather than in cash, thus constituting an automatic reduction of our national debt, but not making these payments available for current expenditures. Even when foreign interest payments have been made in cash the Treasury up to the present time has been in a position to apply them to the reduction of our national debt. This policy has been so well established over the course of years, and is manifestly so sound that foreign repayments, both principal and international, have come to be looked upon as definitely earmarked for the reduction of our war debt. Moreover, whether these interest payments are to be made in securities or cash is dependent on conditions wholly without our control. We are not justified, therefore, in budgeting upon the assumption that they will be made in cash. But assuming that they are, and assuming that our Government is willing to set aside its well considered and established program of debt reduction, even then I can not give you any assurance at the present time, and without taking into consideration new burdens, that we can retain the 1 per cent reduction and not incur the danger of a deficit.

But if $100,000,000 or more is to be added to the expenditures already in sight, it is perfectly apparent that the 1928 income-tax rates must be restored, and I should not be quite fair to the Members of both houses and to the taxpayers of the United States if I did not point out at this time that this increased burden may necessitate even higher rates than provided for in the 1928 revenue act.

ANXIOUS TO RETAIN LOW RATES

In the present state of business, accompanied as it must be by an inevitable reduction in the national income, the Treasury Department is vitally interested in not definitely closing the door to the possibility of retaining the reduced tax rates now in existence. In spite of the figures above quoted I am still hopeful that conditions may have shown such improvement by December as to justify my recommending to you and to the Congress for a renewal of the action taken last December. The present estimates do not indicate that this is possible, but this does not mean that we should put ourselves in such a position as to preclude the possibility should events take a favorable course.

In this connection I think it is appropriate to remind you of what this 1 per cent reduction means to the income taxpayers, and particularly to the income taxpayer with a moderate income.

If the 1 per cent reduction is not retained approximately 2,095,000 taxpayers with net incomes of $10,000 or less will pay during the calendar year 1931 approximately $28,000,000 more than they would otherwise pay, thus losing the benefit of a 56 per cent reduction. If we take taxpayers with net incomes of $7,000 or less they will lose the benefit of a 66 per cent reduction in taxes. It will be remembered that about two-thirds of the tax reduction benefit to individuals was accorded to taxpayers with net incomes of $25,000 or less.

POINTS OUT COSTS TO FIRMS

In so far as corporations are concerned, if the rate is restored to 12 per cent they will lose the benefit of approximately a $90,000,000 reduction in their income tax—at a time when the Government should endeavor to relieve rather than to increase the burden on industry.

In conclusion, I can answer your question by stating that legislation increasing the expenditures for 1931 by $100,000,000 and moreover the above expenditures as now estimated by the Budget Director, will necessitate the restoration of rates applicable to 1931 income to the rates provided for in the revenue act of 1928, and it is probable that such increased expenditures may call for even higher taxes in order to maintain a balanced budget.

In fairness to the country I feel that the Congress should be informed that if expenditures are further increased now, taxes must be in December.

Faithfully yours,

A. W. MELLON.

The PRESIDENT,
The White House.

GENERAL HINES'S LETTER

General Hines's letter to the President:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I wish to call your attention to the very grave situation that has arisen in the matter of veterans' legislation, both as to the proposed principles being considered and their ultimate effect, if adopted, upon the veterans and upon the policy and expenditures of the Government and the very large immediate burden which this legislation calls for.

I recently advised the Senate Committee on Finance that the bill passed by the House of Representatives and then being considered by them would cost approximately $181,040,650 per annum and a possible final annual expenditure of over $400,000,000.

The Senate Finance Committee made various amendments to this bill, and I have now made a reexamination of the cost implied under the bill as reported to the Senate. This bill requires an estimated immediate annual expenditure of $102,553,250, with a growing maximum cost reaching a potential amount in five years of approximately $225,000,000 per annum.

CONCERNED AT PRINCIPLES INVOLVED

Of the deepest concern to the Nation should be the principles being incorporated into these forms of legislation. The principles in both of these bills depart absolutely from the original conception of assistance to World War veterans based upon disability to earn their living because of injury or disease arising out of the World War. No one questions the obligation of the Nation to its disabled veterans' and under the present law some 374,500 veterans or their dependents, out of the total of 4,500,000, are now being compensated at an annual expense approximating $206,000,000. These veterans also participate with all other veterans in the benefits of the war risk insurance legislation and the so-called bonus legislation, which bring up the total annual sum of expenditures of this bureau at the present time to approximately $511,000,000.

One of the results of this legislation would be that men suffering with those diseases now presumed to have been acquired in the service if developed prior to January 1, 1925, would have such diseases presumed to have been acquired in the service if they developed prior to January 1, 1930, and other men suffering with diseases which have not heretofore been afforded the benefit of any presumption by law would be presumed to have acquired their diseases in the service if the same arose prior to January 1, 1930. It is estimated that this provision alone would probably affect approximately 100,000 veterans not now in receipt of compensation benefits for these disabilities.

The medical council of the Veterans' Bureau, comprising some of the oldest physicians and surgeons of our country, has reported to me that the inclusion of the diseases contemplated by this provision is unsound medically and it can not be presumed that the diseases involved are the result of service during the World War. Therefore the theory upon which these benefits are extended is false.

If we are to depart from the sound principles of the payment of compensation for injury and disease resulting from war service, then it appears to me that the real problem before us is whether the Nation is going to assume responsibility for disabilities among the 4,500,000 veterans which originate as ordinary incidents of life. The policy of our Government almost from its inception has been to take care of our veterans when they have reached that period in life when they are overcome by permanent disabilities or age so that they are unable to earn a support.

CALLS ATTENTION TO POLICY

At this date, 13 years after the World War, the veterans of that war average about 38 years of age. If it is claimed that the time has been reached when it is necessary to give consideration to the matter of a pension for this group of veterans along the same lines that we have cared for veterans of other wars, then the policy should be based upon the fundamental principles of pension legislation adapted to what the Nation can afford to do for the entire group of veterans who will eventually have to be cared for. Most certainly we should distinguish clearly between those veterans whose injuries and disabilities were incurred in service and those whose disabilities have been brought about by other causes after service.

To approve a measure which will simply take care of 100,000 of these men under a presumption which we know is unsound, where their disabilities are not due to service, without extending to their comrades in the larger group the same measure of relief, is manifestly inequitable. In other words, we are opening the door to a general pension system at the same rates of compensation given to men who actually suffered in the war. Its potential cost to the Government may quite well run into hundreds of millions of dollars.

ANALYSES INTENT OF CONGRESS

I have no doubt that the Congress has in mind by suggesting the further broadening of the presumptive clause of the present World War veterans' act, taking care of a number of cases which they feel are meritorious and which at this time the law does not cover. If it was only the intention of the Congress to take in border-line cases it might well be accomplished by so amending the present act to permit the bureau to give due regard to lay and other evidence not of a medical nature in connection with the adjudication of claims. Such a provision would be interpreted by the Veterans' Bureau as sufficiently broad to permit liberal adjudication of border-line cases.

Another radical departure in the proposed legislation from the existing law is the provision to give a cash allowance to men in hospitals not suffering from a service-connected disability and while in hospital to also pay an allowance for their families and dependents. Under the present law when there are vacant beds available opportunity is afforded to a veteran for medical care in hospitals when he is in need of treatment without regard to the character or origin of his disability. The hospital facilities of the Government are at this time inadequate to provide care for all veterans of noncompensable disability who need medical attention, and consequently there is before the bureau at all times a waiting list of men seeking treatment.

We are faced with the proposed policy of paying the veteran fortunate enough to secure a hospital bed an allowance for himself and his dependents. For the veteran who is equally in need of treatment, but for whom a hospital bed is not available, it is not proposed that any payment be made either to himself or to his dependents. Inequity immediately arises, and to the extent the Government is not able to furnish hospital beds does this inequity increase. The Congress has not signified definitely its purpose to construct permanent hospital beds for all veterans who need hospital treatment.

SEES ADDITIONAL DEMANDS

Certainly with the passage of this proposed provision there would result a definite and increasing demand for additional hospital beds and in all equity such a demand can not but be recognized. It is conservatively estimated the total number of veterans who will need hospitalization is 69,000.

If the Government is to provide sufficient hospital facilities so that all men suffering with disabilities, irrespective of service origin, can be hospitalized it would necessitate providing within the next three years 13,000 new beds in addition to those existing or authorized. The cost of construction of such facilities would approximate $45,500,000, and the annual maintenance cost, after completion, would approximate $19,500,000. Further, if the Government is to eliminate all questions of inequality, even to the point where the bureau's peak of hospital load is expected, current estimates indicate an ultimate need of 39,400 additional beds, the cost of construction of which would approximate $137,900,000, with an annual maintenance cost of $59,100,000.

Even with all these provisions we would not have taken care of old age and many other fatalities that may happen to our World War veterans.

CALLS POLICY WRONG

My plea at the moment is that we are proceeding on wrong principles, that we are driving toward such a stupendous expenditure by the Government, the extent of which can not be estimated, as will eventually react against the interest of the disabled veterans themselves. We are creating a prospective burden for the taxpayers before we have adopted any sound national policy of dealing with the whole problem, which will have committed ourselves directly and inferentially to a total annual expenditure on account of World War veterans of upward of $1,000,000,000 per annum even before we have given consideration to the granting of pensions.

My plea is directed to the fact that this legislation should not be passed, and that there should be substituted an entire consideration of the principles upon which the Nation will discharge its obligations, not by creating injustices and inequalities, but by some method of general application to the entire group.

Pending such study, I earnestly urge that the bill which I submitted for the consideration of Congress, which will be beneficial to many veterans, be adopted.

Very sincerely yours,

FRANK T. HINES, *Director.*

Hon. HERBERT HOOVER,
The President of the United States,
The White House.

Mr. BACON. Mr. Speaker, I also ask unanimous consent to insert in the RECORD the statements of Secretary Mellon, Secretary Lamont, and Assistant Secretary Klein on the recent tariff act.

The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD a statement of the Secretary of the Treasury Mellon, Secretary Lamont, and Assistant Secretary Klein on the subject of the recent tariff act. Is there objection?

There was no objection.

SECRETARY MELLON'S STATEMENT ON THE TARIFF

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following statement of Secretary Mellon on the tariff act.

In answer to the question of whether the enactment of the Smoot-Hawley tariff law would in his opinion adversely affect the business interests of the United States and retard a business recovery, Secretary Mellon said:

I do not believe that it will. It seems to me that fears and criticisms have been greatly exaggerated. Whenever a new protective tariff law has been enacted gloomy prophecies have been made. They have failed to materialize as far back as I can remember, and my memory goes back many years. The rates in the bill as it passed the House a year ago were higher than in the bill recently signed by the President. Yet business at that time did not take alarm. There seems to be no reason why it should now. I know of no industry that is seriously hurt, while those industries which needed additional protection and received it are benefited.

I have canvassed the situation with the Secretary of Commerce, and the notion that this law is going to destroy our foreign trade expressed in some quarters is certainly without foundation. The United States will continue to buy a vast quantity of foreign products and to sell the products of its farms, mines, and factories all over the world. In so far as imports are concerned, foreign nations that do business with us would do well to remember that the all-important factor is the maintenance of the high purchasing power and standard of living of the American people.

The enactment of this measure brings to an end 15 months of uncertainty. American industries know now where they stand and will, I am confident, adjust themselves without difficulty to new conditions. There seems to be an impression that the new bill makes a sweeping revision upward of existing rates. While it is true that there is a sharp increase in rates applicable to the agricultural schedule, generally speaking, other rates can not be said to have been advanced sufficiently to alter substantially our existing economic position. In fact, only a comparatively few of the major items have been changed. I do not mean to imply that the bill is free from defects. No tariff bill is. But this measure at least by its own terms provides the means whereby inequalities and errors may be adjusted. I look upon the flexible provisions as highly important. I believe that they offer the opportunity not only to correct errors and to adjust rates to meet new and changing conditions, but that they lay a foundation for a businesslike method of tariff revision, free from the pull of sectional and political interests that seem to make a scientific and well-balanced revision by the legislative body almost impossible. If these provisions are intelligently and courageously applied, they should go a long way toward making another legislative revision of the tariff unnecessary for many years to come. This of itself is of inestimable benefit to business, for there is nothing more unfavorable to prosperity than uncertainty and frequent necessity to adjust economic conditions to legislative enactments. In short, it seems to me that the final enactment of the tariff law, far from placing a new obstacle in the way of business recovery, removes one by eliminating the uncertainty of the last 15 months, and by its promise of more businesslike revision in the future makes a definite contribution to business stability.

STATEMENT BY SECRETARY LAMONT ON THE TARIFF

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement by Secretary Lamont:

I have been asked, "What effect will the new tariff have on our foreign trade?"

Some light on this question may be gained from the experience after the passage of the tariff act of 1922; that act raised the level of duties, as compared with the Underwood Act, much more than has been done in the present revision. As many protests were received from foreign countries as have been received in the present year; and there were just as many predictions of disaster to our foreign commerce.

What actually happened: In the seven years under the 1922 tariff act our total imports increased 41 per cent. Imports of manufactured goods from Europe rose from $340,000,000 in 1922 to $581,000,000 in 1929, or by 45 per cent. These gains were not due to increased prices of commodities.

Our imports from Germany and Czechoslovakia more than doubled; from Italy they increased 83 per cent; from Belgium, 37½ per cent; from Spain and Switzerland, about 25 per cent each; and from France, 20 per cent. The United Kingdom is the only important European country from which we purchased less in 1929 than in 1922, and this falling off was not due to changes in our rates of duty.

During the same period our exports of finished manufactured goods, the class most affected by the tariff of foreign countries, increased practically 100 per cent. Every year following the enactment of the 1922 act showed a marked gain until the present year.

It is obvious, of course, that the reductions in imports and exports which began in the latter part of last year are not to be attributed either to the discussion of our tariff or its enactment. There has been a recession in business and a reduction in prices throughout the world. Other countries, as well as ours, have seen their trade in both directions decline during recent months.

Much has been made of the protests presented by various foreign nations during the course of the tariff discussion. There is nothing new in such protests. Every country, including our own, shows concern when other countries propose increasing their tariffs.

The United States is not alone among nations in making changes in its tariff levels. Forty or 50 other countries have made general upward revisions since 1925, including nearly all of those countries which have protested against the proposals to increase our rates.

The protests which have been made by foreign governments to us, in connection with the 1930 tariff, may seem to indicate a wide sense of grievance. However, they include protests made over the course of more than a year during the various stages of the tariff bill. In a considerable number of cases the proposed increases to which they related were not finally enacted, as for example in the case of laces, bananas, jute, and shingles. In other instances, the rates objected to were materially moderated during the progress of the bill so that as finally passed they are not much different from what they were before, as in the case of plate glass, rayon, Swiss cheese, soybean oil, oriental carpets, perfumery, and pharmaceutics. The rates on silk goods caused considerable anxiety at times, but the final average increase in duty is less than 5 per cent ad valorem.

Taking these points into consideration, we find that those protests which actually apply to the act as passed and which relate to changes of duties of possible real importance to the protesting countries amount to probably not more than 10 or 12 per cent of our total imports.

Perhaps the most important feature of this tariff bill is the new flexible clause. The old one did not work very well. The present clause is more effective in that the commissioners have greater latitude at arriving at differences in cost of production as a basis for adjusting rates. If a foreign country believes that any of our tariffs are unduly high and prevent competitive shipment into the United States, it can present its case to the reorganized Tariff Commission, which in collaboration with the President has the power, if the complaint is justified, to rectify the rates. This new proposal for dealing with such cases by a semijudicial body is unique in the world's tariff procedure. No other nation has offered to us a similar opportunity to present our case where, as often has happened, we have believed its duties were unduly high and discriminatory against us. This plan should enable us to meet in a fair manner outstanding cases involving foreign interests.

Considering then these things:

(1) The steady growth for many years of both exports and imports, in spite of increases in previous tariffs;

(2) The relatively small percentage of our imports to which the protests of our foreign friends apply; and

(3) The availability of a workable, flexible clause to adjust unfair situations.

We believe the new tariff law will not retard the amazing growth of our foreign trade. It should be remembered also that four-fifths in value of our imports consist of goods which are either free of duty or unchanged or reduced in duties under the new law.

The United States will continue to buy from and sell to the nations of the world vast quantities of products. Our great and growing buying power, partially no doubt a result of the protective system under which we have grown up, enables our people to steadily expand their purchases from foreign countries.

STATEMENT OF DR. JULIUS KLEIN ON THE FLEXIBLE TARIFF CLAUSE

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement on the tariff made by Assistant Secretary of Commerce Dr. Julius Klein:

At last the tariff bill has become a law after 18 months of tumult. Business, which has owed at least some of its recent troubles to uncertainty about the tariff, can now chart its course under fixed stars instead of by the gyrating uncertainties of partisan fireworks.

I am not going to discuss the rate changes. Merely to list them would fill up—several times over—the allotted period of this talk. To present the "pros and cons" on even the major rate changes would take much longer still.

Many of the rates in this act, like many in every previous tariff act, will doubtless be unwelcome to various groups of our citizens. Some will consider this or that rate too high—while others may regard it as too low. No tariff law has ever met universal commendation, even among the members of the party chiefly responsible for its passage.

The truth is that modern business has become so enormously complex that a legislative body, however capable and patriotic its members may

be, is bound to find the proper adjustment of the rates on the thousands, the tens of thousands, of commodities in contemporary commerce an inconceivably difficult and formidable task. Add to this the necessity for each Congressman to get recognition for the interests of his section or district by combining with others to promote their needs, and you have logrolling.

Moreover, when a tariff bill—or any bill—is under discussion for 18 months, the halls of Washington are filled with lobbyists fomenting drives and propaganda; inevitably, therefore, the admitted zeal and high purposes of the leaders on both sides have been largely obscured. All of which is bound to make one wonder whether such practices are really inevitable in the tariff-making procedure.

We Americans are strong for efficiency in our methods of doing things. We multiply labor-saving devices in our industries. Is it not possible for us to bring a new economy into the "tariff factory," where duties are made presumably in the interests of these very industries and of the public as a whole?

The President has felt that these excesses of logrolling, lobbying, and rate swapping must be replaced by a new era. As the medium for this he has developed with Congress one of the most vital provisions of the new tariff law. I believe that we have here a most helpful instrument to be wielded for the public good—one which, in the field of tariff building, is capable of substituting reason for rancor, precision for prejudice, and calm, well-planned decision for endless, confusing debate.

I mean, of course, the clauses that provide for a reorganized Tariff Commission and a new flexibility in this tariff of ours. "Just what is this flexible provision?" you may ask. In substance, it means simply that an expert tariff commission is given authority to determine the right rate and to recommend it to the President. If he approves, it goes into effect, replacing the rate named by Congress. The authority of the commission is, of course, by no means unlimited. No rate may be increased or decreased by more than 50 per cent. The change must be the result of thorough investigation and be based on the fundamental factors which I shall indicate in a few moments.

To be sure, Congress could not, under the Constitution of the United States, withdraw entirely from the responsibility for the levying of duties. It would not wish to do so even if it could. As the representatives of our people, the Members of Congress must lay down the policy. Congress can, however, authorize an expert body to apply the principles thus laid down—and it has done so in the act just passed.

In view of the extreme complexity of modern economic conditions and the speed of developments, in view also of the pressure of special interests and of sectional viewpoints upon the Members of the Congress during the framing of a tariff act, it would be truly surprising—it would indeed be almost beyond the bounds of human wisdom—if there issued from such a struggle a measure devoid of inequities, incongruities, and mistakes. Such unsatisfactory phases are admittedly present in the text of the new law. The primary purpose of the flexible provision is to permit the new Tariff Commission to correct them.

Moreover, the flexible provision conforms to the spirit of the modern business age. In any broad view of our present-day business life, we find ourselves confronted with a rather startling paradox—namely, the indisputable fact that about the only enduring element in contemporary commerce is its rapidity of change. We are witnessing positively kaleidoscopic shifts in industry and trade. New ideas emerge abruptly and gain astonishing force. Magical inventions bring marvelous industrial transformations almost overnight. New commercial channels are swiftly chiseled out under novel and compelling pressures. The tempo of business—as of our living in general—has never before been so volatile or so dynamic.

Under conditions such as these, no fiscal policy, no tariff policy, can prove widely, permanently satisfactory if it is afflicted with undue rigidity. In dealing with problems such as these, the factor of flexibility expresses the demands of modern business.

In such a structure as a bridge, a vehicle, or any sensitive and complex modern mechanism, we must have that invaluable element of pliancy. To be too unyielding is to invite impairment, damage, grave disaster. There must be springs and safety valves. And so, in that delicate and intricate economic device that we call the tariff, we must provide for speedy, easy readjustments, as new circumstances may require. That is the essential meaning of the new flexible tariff clause.

And, incidentally, we are about the only major commercial nation which has adhered most persistently to the idea of a rigid tariff. Over the past 50 years we have had only 8 new tariffs, or an average of 1 for about every 6 years. In contrast with that, every one of our trade rivals has been very sensibly shifting at frequent intervals this or that portion of its tariff structure to suit the new circumstances of consumers and of the interested trades. In these days of sudden economic change such elasticity of trade strategy is of paramount importance.

But here is an important innovation in our new flexible set-up. The President's interpretation of the new clause gives to it a generous and human aspect in our relations with other countries that has not elsewhere been attained. In fact, not another government on earth has invited other nations to avail themselves of a specially constituted body to pass upon their complaints regarding alleged tariff obstacles to trade, short-cutting the time-consuming diplomatic circumlocutions customary in dealings between governments. Let us hope that the benefit of this example will not go unnoticed beyond our borders, for we certainly have had on our part an abundance of just complaint against the inequities of foreign tariffs long antedating the retaliatory furore of recent months.

I wonder whether it would not be possible to draw a rather striking parallel between this mechanism of the tariff, and that most popular of American machines, the automobile. In the old days, when a "horseless carriage" did not percolate, the accepted procedure was to hitch on a team of horses and drag the stubborn vehicle to the nearest blacksmith, who would promptly take all the machinery apart and spread its "gizzards" all over the back yard of his shop. But what do we do now? We simply take it to an expert who puts in a new spark plug, or blows out the gas line, or cleans up the points—and we go on our way rejoicing. We do not dismantle the whole car with the object of remedying some minor fault or mechanical mischance. Even a new motor requires readjustment by a good mechanic after it has run a while—a few body bolts to be tightened, the spark gap adjusted, or some tinkering with the carburetor.

Now is not our way of putting an expert to work on the car much more "common sensical" than getting some handy man, who, however helpful and conscientious he may be, must, because of his many other jobs, in many cases give himself a complete prolonged course of elementary instruction in this complicated task? Obviously, I mean no disrespect to my good friends in Congress. They do their level best; in fact, the amazing thing to me is that they accomplish as much as they do, in this tariff matter as well as countless others, considering the terrific pressure under which they must work. Congress builds the car, let us say, but the trained adjustments of the expert mechanician, namely the Tariff Commission, will keep it running efficiently under the new flexible clause.

A permanent scientific body working continuously and exclusively on this subject, in somewhat the way the Interstate Commerce Commission works at our railway rate structure, can, in collaboration with the President, make adjustments on individual commodities, as conditions change or need is proven—without introducing uncertainty into the entire business fabric. A reasonable period of investigation and public hearings will constitute sufficient notice to all persons who are concerned—so that there need never be a sense of disturbance to business through sudden and unexpected changes. In any case, changes made under the flexible authority do not become effective until 30 days after proclamation by the President, allowing shipments en route to be cleared and pending transactions to be consummated under the old duties.

The new Tariff Commission which the President is directed by the new act to designate within 90 days, replacing any or all of the present incumbents, will be composed (we may be sure) of men of outstanding ability, fair-mindedness, and high repute before the American public—imbued with the sincere desire and purpose of the President (so vigorously expressed in his tariff statement of last Sunday) to revitalize the flexible provision and make it genuinely helpful to consumers as well as producers. The President has declared his intention to make it an effective means of removing any serious inequities or inadequacies that may be incorporated in the present bill—accomplishing that result through a prompt and scientific adjustment of the duties in the light of differences in production cost here and abroad, as well as other considerations in international competition which the new law authorizes the Tariff Commission to take into account.

Here is a chance, offered in the fairest, friendliest spirit, for our foreign friends to present their cases for consideration in a manner devoid of all partisan bitterness and of the exaggerations of political expediency which are more or less universal in tariff discussions.

Possibly at this point I hear some critic muttering to himself, "Haven't we already had a flexible tariff arrangement for nearly nine years, and what has it accomplished? It has raised a few rates and lowered one or two. The changes it has made have been so unimportant as to have no real effect on the national welfare one way or the other. Why expect more from the reorganized commission?"

There are a variety of reasons why, I believe, we may reasonably hope that the new Tariff Commission will accomplish a great deal more in changing rates in both directions under this clause than was done under the old plan. In the first place, there has been an entire revolution in powers. Instead of a very limited and circumscribed authority for the President, we now have a rate-making commission of large powers. Second, the American people are now, for the first time, fully ripe for real use of a Tariff Commission, in contrast with the conditions following the new tariff law of 1922, when, as the President has said, "by tradition and force of habit the old conception of legislative revision was so firmly fixed that the innovation was bound to be used with caution and in a restricted field, even had it not been largely inoperative for other reasons." Conditions are assuredly vastly different now.

Wise students of public affairs realize that the administration of a law is often more important in shaping its character and usefulness than the legal phraseology of the act. The flexible provision under the

tariff act of 1922 was the first experiment of the kind in our history. A first experiment is seldom an entire success, and we have learned much from the mistakes and shortcomings revealed in the operation of that provision.

I spoke a moment ago about the powers given to the Tariff Commission. Here is a point that should be stressed: The one big lesson learned from the experimental operation of the first flexible tariff was that it was extremely difficult to adjust duties simply on the basis of a direct comparison of domestic and foreign production costs. Production costs are difficult to ascertain even in this country, and investigations abroad by American representatives into the offices and factories of foreign producers have often been keenly resented.

In many cases no reports or decisions could be made under the old flexible provision because of the absence of reliable or representative data on production costs. Bear in mind, too, that one of the technical difficulties in fixing proper rates hitherto has been the question of transportation costs—whether they should be included in a comparison of production costs; and if so, transportation to what point. Should it be the point of entry into the country? Should it be the principal markets? Should it be the main consuming center? There was vagueness and uncertainty under the old law—but the new law gives definite instructions on that point. Here we see a vital element of superiority in the legislation now in force.

Now, if actual production costs are not readily ascertainable—or if the commission desires to act on data supplementary to such costs—it may take into account evidence of costs in the form of average invoice prices or values of both foreign and domestic goods for a representative period, as well as "other relevant factors that constitute an advantage or disadvantage in competition."

Thus the new flexible clause views the problems of international competition realistically—as a common sense, real business issue—in authorizing the commission to take account of all vital elements entering into the actual determination of the conditions of competition between foreign and domestic producers.

Critics may find fault with this or that provision in the flexible authority or point out its shortcomings. In this as in other scientific ventures we must proceed by the well-known rule of trial and error. President Hoover has made it clear in his tariff statement that "if by any chance the flexible provision made should prove insufficient for effective action I shall ask for further authority for the commission, for I believe that public opinion will give wholehearted support to the carrying out of such a program on a generous scale, to the end that we may develop a protective system free from the vices which have characterized every tariff provision in the past."

We have in the new flexible provision a forward-looking measure that has received the warm indorsement of representative business and agricultural bodies everywhere. We may well hope that out of this prolonged period of tariff agitation in Congress and elsewhere there may prove to have issued a new and efficient instrument for the public service.

PERMISSION TO ADDRESS THE HOUSE

Mr. KVALE. Mr. Speaker, I ask unanimous consent to proceed for four minutes following the address of the gentleman from Nebraska.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGUARDIA. Reserving the right to object—and I shall not object—pending the disposition of the Consent Calendar I will ask gentlemen not to make similar requests this morning.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Nebraska is recognized for five minutes.

Mr. HOWARD. Mr. Speaker, my voice is in very bad condition this morning. I will ask the Clerk to be kind enough to read the statement that I have.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Resolution by EDGAR HOWARD, of Nebraska

Whereas admittedly the plight of agriculture, the basic industry of the Republic, is sorrowful in degree to excite the sympathy of good men in every work and walk in life; and

Whereas on two occasions in recent days the President of the United States has officially proclaimed to the people that the goddess of prosperity was so near that the naked eye might discern the harbingers of her approach; and

Whereas quickly following those two glad prophecies by our beloved President came new and more vicious assaults upon the bleeding body of agriculture, driving to still lower levels the price of cotton, corn, wheat, and all other standard products of the farm; and

Whereas seeking to repair the damage done to agriculture by the well-meant prophetic utterances of the President of the United States, and with an eye single to the welfare of agriculture, the great Secretary of the Treasury of the United States donned the robe of prophecy discarded by the President and essayed to undo the vast damage done to agriculture unwittingly by the prophecies of the Chief Executive only to behold his own Joshuatic pronouncement immediately hurling the price of farm products to still lower levels: Therefore be it

Resolved, That the Speaker of the House of Representatives be, and is hereby, earnestly requested to forthwith appear before the President of the United States, and also before the Secretary of the Treasury, and there carry in his most pleading voice the united prayers of the Membership of this House from the farm States that the President and the Secretary of the Treasury may be pleased to refrain from uttering any more prophetic warnings that the bejeweled goddess of prosperity in her ship with silken sails is in the offing.

[Laughter and applause.]

Mr. HOWARD. Mr. Speaker, I yield back considerable time. [Laughter.]

RAILROAD MERGERS

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the Clerk may read a brief telegram and an article from the Wall Street Journal in my time.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

MINNEAPOLIS, MINN., *June 21, 1930.*

Hon. PAUL K. KVALE,

Member of Congress from Minnesota, Washington, D. C.:

Substitute for Couzens resolution considered by House Interstate and Foreign Commerce Committee, which substitute leaders intend calling up under suspension rules Monday next, in our judgment gives employees much less than Couzens resolution, and is betrayal of public interests. Minnesota Legislative Board Brotherhood of Railroad Trainmen respectfully urges you protest substitute and requests you demand passage of Couzens Senate resolutions by House.

G. T. LINDSTEN.

[From the Wall Street Journal, June 17, 1930]

SUBSTITUTE RAIL BILL FAVORED—HOUSE INTERSTATE COMMERCE COMMITTEE REPORTS—SENATE'S POSITION VIEWED

WASHINGTON.—House Interstate Commerce Committee favorably reported a substitute for the Couzens resolution, which maintains the status quo in so far as railroad consolidations are concerned.

Resolution, however, would prohibit acquisition of control in any manner of two or more railroads by a holding company, unless approved by Interstate Commerce Commission.

The resolution would in no way prohibit the Northern's merger being consummated, as would the Couzens resolution, which sought to suspend authority of Interstate Commerce Commission over consolidations.

The House resolution lays down specific authority of Interstate Commerce Commission to protect rail employees in cases of mergers.

FAVORED BY FULL COMMITTEE

The full committee favorably reported the measure with minor changes almost immediately after it was submitted by the subcommittee which had been studying the measure with the assistance of Interstate Commerce Commissioners for the past several days.

The full committee added a clause which would exclude from the provisions of the resolution any street, suburban, or interurban line not operated as a part of a general steam-railroad system of transportation. Chairman PARKER (Republican, New York) anticipates early action by the House on the substitute measure so that Members can enter a conference with the Senate Members to compromise on the widely different views expressed in the resolutions of the two Houses. There is every indication that the Senate will stand by its own measure, making it more than likely that the entitre matter will be left in conference when the present session closes.

The provision which extends the authority of the commission to holding company and investment trust acquisitions of control applies only to the future.

INTERSTATE COMMERCE COMMISSION MEMBERS' STAND STATED

The Interstate Commerce Commission members who have appeared before the committee in executitve session during the past week or 10 days are said to have given their complete approval to the measure reported by the House committee.

Title of the House resolution reads:

"Joint resolution to define and extend the authority of the Interstate Commerce Commission in approving acquitions of control and consolidations of carriers by railroad subject to the interstate commerce act, as amended."

The Senate resolution title was "to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties."

The effect of the House measure is to leave Interstate Commerce Commission authority over consolidation as it exists and to extend it to authority over control by holding and investment trust companies.

Mr. KVALE. While these comments naturally do not take cognizance of the action which I understand has been taken by the committee this morning, they do describe the general situation and indicate why we are mobilizing against any action other than the acceptance by the House, before adjournment, of the original Couzens resolution as passed by the Senate.

Mr. Speaker, I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 10813) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BINGHAM, Mr. PHIPPS, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK to be the conferees on the part of the Senate.

ONE HUNDREDTH ANNIVERSARY OF FOUNDING OF MARSHALL, MICH.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOOPER. Mr. Speaker, on July 3, 4, and 5 of this year the city of Marshall, Mich., the county seat of Calhoun County, will celebrate the one hundredth anniversary of the city. This city has played an important and influential part in the progress of Michigan, and I feel that the event is one of sufficient importance to justify me in mentioning it here to-day.

A pioneer of Michigan, Mr. E. Lakin Brown, says in his reminiscences of a journey from Vermont to the Territory of Michigan in 1830:

At Marshall we stopped at a cabin and got our dinner. The workman and family had just dined, and were going out to start for the first time a new sawmill, so we saw the mill cut the first log. I do not remember any other building, big or little, at Marshall.

In the hundred years since, Marshall has become a beautiful city of over 5,000 inhabitants. In that time it gave to Michigan, through the efforts of one of its pioneers, the great public-school system which is our State's greatest pride. It has given to the Nation men eminent on the bench, at the bar, and in all walks of life. Its people are progressive; it is well governed and law-abiding; it is prosperous and happy. It is a typical midwestern, and therefore a typical American, city.

A hundred years is a long time in the annals of the Middle West. Marshall starts its second centenary old in comparison with the lives of men but young and ambitious for the duties and rewards of the century to come. May the new century surpass the old in its harvest of the better and finer things of life.

BUREAU OF NARCOTICS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 367) to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, reported unanimously from the Committee on Ways and Means. This is an emergency matter.

The Clerk read the joint resolution, as follows:

Resolved, etc., That subsection (b) of section 2 of the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, is amended by striking out the word "specific" and inserting in lieu thereof the word "specified."

SEC. 2. Section 9 of such act of June 14, 1930, is amended to read as follows:

"SEC. 9. This act shall take effect on July 1, 1930."

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE RELATION OF RURAL PROSPERITY TO URBAN PROSPERITY

Mr. MANLOVE. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech made by Dr. W. J. Spillman, principal agricultural economist for the United States Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MANLOVE. Mr. Speaker, under leave to extend my remarks by inserting in the RECORD an address recently delivered by Dr. W. J. Spillman, principal economist, United States Department of Agriculture, before the State Convention of Commercial Secretaries, in my home city of Joplin, Mo., I take pleasure in saying that Doctor Spillman is a native son of our Land of a Million Smiles in southwest Missouri, and that we are justly proud of him and the splendid record he has established.

Doctor Spillman spoke as follows:

One of the best illustrations of the dependence of the city on the country is found in the history of the Roman Empire. During the early part of the Empire the Government financed itself by exploiting conquered provinces, but this method of raising finances came to an end when the provinces were exhausted and there were no new regions worth exploiting. It then became necessary to raise the expenses of a large governmental organization by taxes. The major portion of the taxes fell on the land for that is the kind of property that can not be concealed.

For hundreds of years before this, Roman farmers had successfully maintained the fertility of their soil. They did this by letting the land rest every third year and by growing a legume crop once in every three years. The legumes were largely fed to livestock and the manure was carefully conserved. But when taxes became very heavy, Roman farmers were compelled to grow cash crops in order to meet their taxes. Immediately the fertility of the land began to disappear. Finally it got to the point where Roman farmers could no longer make a living. They flocked to Rome by the thousands, where they constituted a dangerous mob. The Roman Government imported grain from the Nile Valley to feed them. The government itself finally became financially embarrassed and was unable to meet the invasion of the northern barbarians, who finally wrecked the Roman Government.

We have seen another instance nearer home in recent years. New England was formerly a well-developed agricultural country. The factory system there grew up and took the boys away from the farm. When the older men could no longer carry on, thousands of farms were abandoned. It soon became necessary for New England to import a very considerable proportion of its food. As a result, the factories of New England have had to pay very high wages and many of them are moving to the South and West, merely because New England neglected her agriculture.

It needs no vivid imagination for you to picture what would happen to the cities, towns, and villages of Missouri if the farmers in the surrouding districts were to abandon their farms.

There is one important development in agriculture in recent years that has very materially affected particularly rural towns and villages. Let us stop and think a minute. What is a rural town for? It exists as a market place for local agricultural products and as a source of supply for machinery, clothing, and other requirements of the surrounding rural population. The development to which I refer is the introduction of large labor-saving machinery in agriculture. With the old 2-horse implements a farmer might till 40 to 60 acres of land. Now with a large tractor or with an 8 or 10 horse team he can till three or four times as large an area, and do it easily. This means that fewer people are required to operate the farm. Those who would under the old system now be engaged in farming have gone to the city and are working in urban industries. This decrease in rural population has greatly reduced the amount of business done by rural towns and villages. This movement is noticeable all over the country, but is especially striking in sections where the small grains are the principal crops because crops of this class lend themselves best to machine farming.

I do not need to tell you that since 1920 farmers in Missouri have not been very prosperous. The reason is not far to seek. The high prices that prevailed during the war, together with the patriotic impulses of our people led to a great extension of the acreage of wheat and cotton. Much of the increase was on former range land not adapted to other crops.

While the acreage of wheat has decreased considerably since the war, it is still enormously larger than it was before the war, and more wheat land as well as more cotton land is coming into cultivation in the plains region. For this reason we now have a very large acreage of both wheat and cotton and we have nothing else we can substitute for them.

In the case of the feed crops—corn, oats, and hay—we had the acreage of them fairly well adjusted before the war, but about 1918 mechanical power began to be substituted for horse power not only in the cities but also on the farm. It is assumed that about 9,000,000 horses in all have been replaced by gas engines. These gas engines do not consume corn, oats, or hay. For this reason we now have a surplus of these three crops.

The five crops mentioned above—wheat, cotton, corn, oats, and hay—together occupy 88 per cent of our total crop acreage. In more than half of the counties of the United States these crops are the basis of agriculture. We have a surplus of them and nothing that we can substitute for them; hence, farmers can not contract their acreage sufficiently to adjust their production to the market demand for them.

All other crops grown in this country occupy only 12 per cent of our acreage. Farmers do attempt to adjust the acreage of all these other crops to market demand. The reason why they can do this is seen in the following comparison. We grow about three and three-quarter million acres of potatoes. A 10 per cent reduction in this acreage may double or treble the price of potatoes. But if the land thus set free is planted in corn it makes an increase of only one-third of 1 per cent of the corn acreage, and this has a negligible effect on the price of corn.

The trouble has been in the past that farmers expanded or contracted the acreage of these minor crops at the wrong time. What has been needed is information in the hands of every grower that will enable him at planting time to know whether he is helping to overplant or underplant each of these minor crops. To meet this situation about six years ago the Department of Agriculture began to issue what is known as the Outlook Report. They obtained from a large number of correspondents the acreage they intend to plant of all the leading farm crops, also their intentions with regard to the production of animal products for the coming year. On the basis of this and other information the department issues a report indicating what the prospects are for each crop and each livestock product every year. These reports are issued the latter part of January. Any farmer by heeding the information contained in the Outlook Report is able to know when and how much to increase or decrease his production of any of these products other than the five major crops mentioned above.

In the main, farmers have been heeding the Outlook Report much to their advantage, but they have not yet all become convinced that it is to their interest to use the information these reports contain. We hope in time they will do so.

You, of course, are interested in the crops and livestock that are adapted to Missouri conditions. You grow corn in some sections, wheat, oats, hay, apples, and berries in some parts of the State; beef cattle and hogs are prominent in the farming. But there is a wide strip of country extending from the Flint Hills of Kansas eastward to the Atlantic coast lying north of the Cotton Belt and south of the central Corn Belt in which dairying is developing rapidly and where it bids fair to become the leading industry. I think this development is a wise one and hope that you will encourage your farmers in their efforts to develop dairying. In those sections that are adapted to beef cattle and hogs, and that means where there is an abundance of corn, I would not advise farmers to become dairymen. But in sections that are deficit corn-producing sections, dairying is a logical industry. The production of eggs and poultry is another good industry, particularly for the region that is not adapted to beef cattle and hogs.

All I can say about your fruit industry here is that you have a good country for fruits. Here in southwest Missouri is one of the most important strawberry-producing sections of the entire country, but fruit farming is more or less speculative. When everyone has a good crop prices are too low for profit. Big profits are made only in sections which happen to have a good crop of fruit when other sections do not. In the case of a fruit like strawberries, its proper place on the farm is a small acreage that can be tended by the farm family. Such an acreage does not produce bankruptcy when prices are low or when the crop is a failure but does produce considerable income when crops and prices are good, which they are occasionally.

WORLD WAR VETERANS' BILL

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks on the pending veterans' legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Speaker, the World War veterans of the Nation resent the impasse now impending as to their relief bill, and I am not willing to adjourn this session until there is final disposition of it. The press to-day carries a statement from the President announcing in effect that a veto awaits its passage.

The principal ground he assigns for his contemplated action is a resulting deficit in the Treasury. This is the same argument used by Secretary Mellon when he tried to defeat the adjusted compensation measure in 1924, when the estimate of Treasury receipts given by him was short of collections far over a billion dollars. Based on this experience, the Congress will not take too seriously his alarm.

We were assured by the President early in the session that ample funds would be available to meet every governmental obligation if we would vote to refund $160,000,000 to the large taxpayers of the country, largely funds already charged to the consuming public and collected. He was then making a desperate effort to bolster up the stock market. Surely he had notice then of the many thousands of sick men needing and deserving aid.

There has been no trouble in getting his approval of lavish expenditures on parks and Government buildings, since it became apparent the Congress would materially increase these benefits at this session.

There seems to be perfect concord between the President and his Secretary of the Treasury over refunds to corporations of millions collected as excess profits during the World War. The slogan was, "Fight or pay." Since 1922 Mr. Mellon has given back $2,800,000,000 in this way, 83 per cent of it being excess profits made on war operations. Now the service men are being forced to help pay back to war profiteers these astounding refunds and rebates. The Secretary refused to settle these claims in accordance with precedents of the Court of Claims. If he had, or had submitted them to said court, the Government would have saved some $700,000,000.

No wonder the President is averse to extending benefits to sick men. He can better use the money in allowing Secretary Mellon a free hand to disburse huge sums in this manner. These gifts are still in the process of distribution, and claims for over a billion dollars are yet to be considered by the Secretary, without the intervention of a court or any fact-finding tribunal. Only the big claims are considered. Let no small claimant take courage. Unless the amount overpaid is many thousands of dollars it is out of date. I was forced to pay $4.50 income tax on my Army salary for 1917, which was exempt under the law. The Treasury holds the statute of limitations has long since run against its refund. Not so those who were called on to pay instead of fight. I am now asked to help pay them back their war excess profits. And I am further admonished by the President not to vote to increase benefits to my sick buddies because there may not be current funds in the Treasury to pay it, after the Secretary gets through distributing favors.

To be sure there is honest difference of opinion as to permanent policy, but this does not justify Congress in waiving its convictions and leaving Washington without taking adequate care of those for whom a delay will be final. I am not going to be terrorized by this old Mellon trick of crying deficit.

LASSEN VOLCANIC NATIONAL PARK

The SPEAKER. This is Consent Calendar day. The Clerk will call the Consent Calendar, beginning with the star.

The first business on the Consent Calendar was the bill (H. R. 10582) to provide for the addition of certain lands in the Lassen Volcanic National Park in the State of California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the author of the bill make some explanation as to the purpose of this bill?

Mr. CRAMTON. Mr. Speaker, the author of the bill is not on the floor at the present moment. I am not thoroughly advised as to the bill but, as I understand, the principal purpose is to add certain lands necessary for the proper administration of the park, particularly with reference to road construction, so that a road may be included in the park area.

Mr. STAFFORD. I now recall the facts in the case. It has been some weeks since I examined the case, but the gentleman having mentioned the road, brings back to my mind the status of the situation.

In a bill later on the calendar I notice the present Secretary of the Interior recommended deferring action, awaiting a report of the committee on the conservation of public lands. In that case it provided for taking into the area of the public forests, privately owned land and exchanging those privately owned lands in lieu of publicly owned lands.

Mr. CRAMTON. Of course that is quite a different proposition from the one involved here.

Mr. LEAVITT. I recall this case in the committee, and it involves only a small area necessary to the proper construction of the road.

Mr. STAFFORD. Some 5,160 acres. The gentleman, used to dealing with millions of acres, regards 5,000 acres as a small acreage.

Mr. LEAVITT. As part of a national park; yes.

Mr. STAFFORD. The gentleman coming from one of the largest States of the Union, naturally views things with the broad vision of the westerner, whereas we, coming from the confines of municipalities, consider 5,000 acres rather large.

Mr. Speaker, in view of the special circumstances, that this is largely for road purposes, I think the position of the Secre-

tary of the Interior would not be contravening to this proposal, and therefore I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Lassen Volcanic National Park, in the State of California, by Executive proclamation, any or all of the lands within sections 3 and 4, township 29 north, range 6 east; and sections 29, 30, 31, 32, 33, 34, 35, and 36, township 30 north, range 6 east, Mount Diablo meridian, not now included within the boundaries of the park.

SEC. 2. That the provisions of the act of June 10, 1920, known as the Federal water power act, shall not apply to any lands added to the Lassen Volcanic National Park under the authority of this act.

With the following committee amendments:

Page 2, line 1, after the word "park," insert a colon and the following proviso: "*Provided*, That no privately owned lands shall be added to the park prior to the vesting in the United States of title thereto."

Page 2, after line 7, insert a new section, known as section 3, to read as follows:

"SEC. 3. That nothing herein contained shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States at the date of passage of this act, whether for homestead, mineral, rights of way, or any other purposes whatsoever, or any water rights and/or rights of way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INDIAN COLONY NEAR ELY, NEV.

The next business on the Consent Calendar was the bill (S. 134) authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object——

Mr. LAGUARDIA. Reserving the right to object.

Mr. JENKINS. I would like to ask of the distinguished chairman of the Committee on Indian Affairs a question. I notice that this bill only provides for the care of a very few Indian families. How far is it the policy of the Government to provide plots of land for Indians? Why do they not move them to an Indian reservation.

Mr. LEAVITT. Of course, these Indians constitute a very small group, but they have never had any allotment of lands or any assignment to any definite Indian reservation. They have become practically self-supporting through working in the vicinity of this community. If they should be removed to an Indian reservation, they will be taken away from that opportunity of their self-support. The Government considers it is better to give them this opportunity to establish homes in this locality than to move them away and put them among Indians entirely.

Mr. JENKINS. Is it possible that they have reached such a state that they are self-dependent and they could make their own way?

Mr. LEAVITT. They are self-dependent to the extent that they work and earn enough money, so the Government does not have to pay anything for their support, but not to the extent of being able to supply their own homes. They have been living practically on property through the sufferance of owners of such property adjoining this little town. This bill will make it possible to give them homes, water development, and sanitation, and things like that, and encourage them to be self-supporting.

Mr. JENKINS. Does the gentleman not think this would be establishing a precedent, or is this a precedent?

Mr. LEAVITT. Oh, this is not the first time this has been done. It has been done in several other instances of similar character.

Mr. STAFFORD. Only last week a similar bill was passed which involved a much larger appropriation, some $60,000, for the transfer of lands where Indians were living to another site.

Mr. LEAVITT. That is true.

Mr. LAGUARDIA. I understand this camp is to be connected with the waterworks of the city of Ely?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. Will the Government pay for the water, or will that be supplied to them free of charge by the city of Ely, Nev.?

Mr. LEAVITT. I presume the Indians will have to pay any water rental. There is no provision in the bill to do anything except connect it up, and in the past they have not been furnished with water.

Mr. LAGUARDIA. This land is not agricultural land at $10 an acre, is it?

Mr. LEAVITT. No. It is simply an area that is close to the town of Ely, Nev., to which the Indians can be moved. They can have gardens there, and in that way help to support themselves.

Mr. LAGUARDIA. Where will the children go to school?

Mr. LEAVITT. They will go to school in the town. They will have access to the public school. That is one reason why this will benefit this particular group of Indians.

Mr. JENKINS. Can the gentleman state what proportion of the Indians in the United States are self-supporting, in proportion to those on reservations?

Mr. LEAVITT. No; but it is a very small per cent.

Mr. JENKINS. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $1,000 for the purchase of 10 acres of land now occupied as a camp by the Indian colony near the city of Ely, Nev., and $600 to connect the camp with the city water service by the purchase and installation of pipe and hydrants and the erection of a standpipe, with necessary protective structure, the title to be held in the name of the United States Government, for the use of the Indians.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

YAKIMA INDIAN FOREST

The next business on the Consent Calendar was the bill (H. R. 8529) to provide for the establishment of the Yakima Indian Forest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this council of Indians, whose names appear on page 3 of the report, made up of Indians?

Mr. LEAVITT. Oh, yes.

Mr. LAGUARDIA. Spencer, McCluskey, Charley, and Abraham.

Mr. LEAVITT. It is very common for the Indians on many reservations to bear the names of white people. Some of them are partly white.

Mr. LAGUARDIA. But the council is composed of Indians?

Mr. LEAVITT. Oh, yes; they are regularly constituted as the council and they are of Indian blood.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the proviso in the committee amendment, section 3, does not seem to me to be a wise one. I think it is very desirable that the department consult with the Indians and with their council, but for us to legislate that no regulations can be effective until approved by them raises a question as to why we should be assuming to act as guardians for them anyway. I am wondering if the gentleman would be willing to accept an amendment to the committee amendment dropping out that power.

Mr. LEAVITT. Of course, I would accept it rather than lose the bill, but the purpose the committee had in mind was that such a provision would require that the Indians be continually informed, and that they have a part in the making of the rules and regulations pertaining to their own property. In that way we might help them develop toward the time when we hope they will be able to care for their own property.

Mr. CRAMTON. But it gives the veto power to them even after the forest is established, which does not seem desirable, although it is certainly desirable that they be consulted.

Mr. LEAVITT. Would it not be satisfactory to the gentleman to require that these rules and regulations be not put into effect until the Yakima Tribe in council had been consulted in regard thereto?

Mr. CRAMTON. Any language that would require them to be consulted, without giving them the final decision, I would not object to, and if the gentleman is agreeable, by the time we reach that stage we can probably have such an amendment in shape.

Mr. STAFFORD. Mr. Speaker, I wish to direct attention to an amendment in terminology, and to suggest that it is not customary to spread out the language as contained in lines 9 and 10, "two hundred and twenty-seventh United States, page 335," but rather to merely insert the figures "227 United States Reports, page 335."

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands of the Yakima Indian Reservation in the State of Washington classified as timberlands under authority of the act of December 21, 1904 (33 Stats. L., p. 595), and all unallenated and unallotted lands confirmed to the Yakima Indians by the decision of February 24, 1913, by the Supreme Court of the United States (227 U. S., p. 335) be, and are hereby, designated as constituting the Yakima Indian Forest, and the Secretary of the Interior is authorized and directed to administer such timberlands under conservative forest management.

The net proceeds derived from sales of timber and other income from the forest area shall be deposited in the Treasury of the United States to the credit of the Indians of the Yakima Reservation and draw interest at the rate of 4 per cent per annum.

With the following committee amendments:

On page 2, line 3, after the word "management," insert a colon and the following proviso:

"*Provided*, That in the use of forest and range and for employment in forest and grazing activities members of the Yakima Tribe shall be given preference."

The committee amendment was agreed to.

Page 2, after line 11, insert a new section, to be known as section 3, as follows:

"SEC. 3. The Secretary of the Interior is hereby authorized to make such rules and regulations as he may deem necessary to carry out the purposes of this act: *Provided*, That the rules and regulations with regard to leases and sales with respect to any resources within the forest hereby created shall not be put into effect until approved by the Yakima Tribe in council."

Mr. CRAMTON. Mr. Speaker, I offer an amendment as a substitute for the committee amendment, section 3.

The SPEAKER. The gentleman from Michigan offers an amendment as a substitute for the committee amendment, section 3, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, beginning in line 12, strike out the remainder of the bill and insert:

"SEC. 3. The Secretary of the Interior is hereby authorized to make such rules and regulations as he may deem necessary to carry out the purposes of this act: *Provided*, That before the rules and regulations with regard to leases and sales with respect to any resources within the forest hereby created are put into effect the Yakima Tribe in council shall be consulted."

The amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. Page 1, lines 9 and 10, strike out the language in brackets "Two hundred and twenty-seventh United States, page 335" and insert "227 United States Reports, page 335."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAGUARDIA. Has the gentleman looked up that citation?

Mr. STAFFORD. I am merely taking it as it appears in the bill.

Mr. LAGUARDIA. I could not even find it in the reports.

Mr. STAFFORD. I am assuming the citation is the correct citation.

Mr. LAGUARDIA. It is improperly cited and the gentleman is right.

Mr. STAFFORD. I am merely putting it in the customary form, "227 United States Reports, page 335." That is the customary form rather than stretching it out in words.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 1, lines 9 and 10, strike out "(Two hundred and twenty-seventh United States, page 335)" and insert "(227 United States Reports, page 335)."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such district, for the fiscal year ending June 30, 1931, and for other purposes, further insist on the House disagreement to the Senate amendments, and agree to the further conference asked by the Senate.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which, of course, I shall not do, there is a good deal of talk about a deadlock on this important measure. The House has had a roll call, after debate, upon the principal matter in dispute, and by a vote of nearly 20 to 1 has indorsed the position of the House conferees. As yet there has been no record vote upon this matter in the Senate. There has been no vote of any kind taken, after debate, in the Senate. Now, before it can fairly be said that the two Houses have deadlocked, or that the two Houses have firmly taken positions opposed to each other, there should be a record vote in the Senate, taken after debate, so that the House can know what is the attitude not only of the conferees but what is the attitude of the Senate and every Member of the Senate, and I express the hope, as one Member of the House, that the House conferees will not be in any hurry about any compromise under such conditions.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SIMMONS, HOLADAY, THATCHER, CANNON, and COLLINS.

MONEY ORDERS

The next business on the Consent Calendar was the bill (H. R. 8568) to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, if the gentleman desires to have this bill passed over without prejudice, I shall not object; otherwise I object.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. COLLINS. Mr. Speaker, if the gentleman will yield, there is a bill pending in the gentleman's committee introduced for the benefit of Members of the Congress. It provides for the sending through the mails under frank the Members' office files when the Members go to their homes. We have packing trunks provided for this purpose, but the Post Office Department has ruled that we can not use them for this purpose, that only public documents can be sent in these packing boxes.

Mr. LAGUARDIA. Has the gentleman had any trouble about sending his files home?

Mr. COLLINS. No; and I believed that I had the lawful right to use my frank for this purpose, but the Post Office Department advises that I have not. The bill referred to has received a favorable report from a subcommittee of the Post Office Committee, but the full committee has not met to consider it and probably will not. It must pass real soon, otherwise Members will be required to pay postage on office files sent to their respective homes, and those files are just as essential to a proper discharge of their duties when Members are at home as they are in Washington.

Mr. EATON of Colorado. If the gentleman will permit, what has that to do with the bill H. R. 8568?

Mr. COLLINS. Nothing at all. I make this statement in the hope that the Post Office Committee that reported out this bill will also report out the other bill so we can transport our office files home. There will be no added cost to the Government, for we can transport them free now if they are put in very small letter-size packages.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I objected to this bill before unless there was a limitation put upon the fee of 10 cents.

Mr. LAGUARDIA. We are going to object to it, I will say to the gentleman. The gentleman has just asked that it go over without prejudice.

Mr. GREENWOOD. Of course, if the gentleman asks that it go over, my remarks are not apropos.

Mr. LAGUARDIA. We will let it go over and kill it the next time.

Mr. FOSS. I ask unanimous consent that the bill may be passed over without prejudice, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ESTABLISHMENT OF PASSPORT BUREAUS AT PORTLAND, OREG., AND LOS ANGELES, CALIF.

The next business on the Consent Calendar was the joint resolution (H. J. Res. 235) authorizing an annual appropriation for the expense of establishing and maintaining a United States passport bureau at Portland, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. STAFFORD, and Mr. GREENWOOD objected.

Mr. CRAIL. Mr. Speaker, if the gentlemen will kindly withhold their objections until I have had an opportunity to be heard I will appreciate it. If there is any one place in the United States where there should be a passport bureau it is Los Angeles, Calif. Los Angeles is the farthest from Washington of the cities that do not have a passport bureau now, and Los Angeles has grown to be one of the large cities of our country. In fact, it is the fifth largest city of the country, with a population of approximately a million and a quarter people according to the 1930 census. The appropriation that is asked for in this bill is inconsequential compared to the money collected for passports because the fees that were actually collected in Los Angeles for passports alone amounted to nearly $55,000 for the year 1929.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAIL. Yes.

Mr. LAGUARDIA. Of course, the gentleman knows that applications for passports are simply received at a passport bureau and transmitted to Washington. These applications can be received by the clerk of a State court, in which case he retains the $1 for the application, or by a clerk of the Federal court. In the case of an emergency passport, the application is then sent by this clerk to the San Francisco office. So it is really not a matter of such great urgency.

Mr. CRAIL. In reply to the gentleman let me say, if what he contends were true there could be no objection whatever to establishing a passport bureau at Los Angeles because we already have now the service that the gentleman says we could obtain by a passport bureau. The facts are that a passport bureau has authority to actually execute and deliver passports in cases of emergency.

Mr. LAGUARDIA. In case of emergency?

Mr. CRAIL. The passport offices suggested by the gentleman from New York do not have that authority.

Take the east coast, I am informed that the cities of Boston, New York, Philadelphia, and Washington all have passport bureaus, and if they have no more authority than passport offices have, as suggested by the gentleman from New York, there would be no occasion for them. Instead of passport bureaus these cities would have passport offices, such as Los Angeles has now.

Mr. LAGUARDIA. How many passports are issued at San Francisco?

Mr. CRAIL. In 1929 there were 7,877 passport applications for all of California. Of these, 5,394 originated in Los Angeles County. San Francisco is 500 miles from Los Angeles. Los Angeles is now a large city in its own right and does a large shipping business. More than two-thirds of the passport business of the State of California originates in Los Angeles County. Why should we have to go to San Francisco to get passports under these circumstances?

Mr. LAGUARDIA. If it were the policy of the State Department to establish passport bureaus in every city, the gentleman from Texas is ready to put in an amendment for Galveston. No city seems to be complaining except Los Angeles.

Mr. CRAIL. Portland is also asking for a passport bureau.

Mr. STAFFORD. There is no bureau at Portland.

Mr. CRAIL. No; the gentleman from New York says that Portland is not complaining.

Mr. STAFFORD. Portland is within a short distance of Seattle, where they have a bureau. Originally passports were only issued from Washington. Then they were established in New York and one at San Francisco, for the convenience of people who took the steamers in a hurry.

Mr. CRAIL. What harm does it do to provide a passport bureau in a large center of population doing a large marine and export business?

Mr. LAGUARDIA. Except that it establishes more officers..

Mr. CRAIL. Last year $55,000 was collected in Los Angeles County for passports, and Los Angeles Harbor is one of the passenger ports of the world.

Mr. GREENWOOD. Let me say that my objection to the establishment of these two passport bureaus, one at Los Angeles and one at Portland, is that it would make the number of offices out of all proportion to the balance of the United States. Many States and cities do not have them. Here is the State of California with one in San Francisco and one for the northern section of the Pacific coast. That gives them two out of the six or seven in all the United States. To give them these two would make four—out of all proportion. Admitting that there is some reason for one at Los Angeles, there ought not to be one at Portland in connection with this bill. If the gentleman wants Los Angeles considered on its own merits, divorce it from Portland.

The SPEAKER. The Chair thinks it is his duty to limit debate after objection has been made. The gentleman can ask unanimous consent.

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAIL. Mr. Speaker, I hope my friends who have been threatening to object to this bill have been to the Pacific coast. California is a large State, with a coast line of about 1,200 miles. The way some of my colleagues talk to me it seems as if they thought it was only a good run and jump from Los Angeles to San Francisco or from Portland to Seattle. It is 500 miles from Los Angeles to San Francisco. It is as far from Portland to Seattle. To get a passport to sail westward it takes a lot of time, and it is very inconvenient to get them from Washington. In cases of emergency it is not only most inconvenient but it is costly, besides the great loss of time.

Mr. STAFFORD. How many steamers leave Portland?

Mr. CRAIL. I wish my colleague from Portland were here, but I know that Portland is one of the good harbors of our country.

Mr. STAFFORD. It is a river harbor.

Mr. CRAIL. Yes.

Mr. STAFFORD. There are no ocean-going passenger steamers sailing from there.

Mr. CRAIL. Oh, yes.

Mr. COLE. Yes; there are.

Mr. STAFFORD. Ocean steamers leave San Francisco and Seattle.

Mr. JOHNSON of Washington. And Portland and Grays Harbor.

Mr. STAFFORD. Portland also?

Mr. JOHNSON of Washington. Yes.

Mr. CRAIL. My friend from Wisconsin does not include Los Angeles among the ports of ocean-bound passenger steamers. There is no port in the United States that has the intercoastal tonnage that the city of Los Angeles now has; not even New York. Ocean-bound steamships with passengers aboard leave Los Angeles for almost every port in the world.

Mr. LAGUARDIA. Oh, you do not need passports for intercoastal travel.

Mr. CRAIL. Which proves that it is a world port, because 5,394 passports were issued to applicants from Los Angeles County last year. Passenger-carrying steamships enter Los Angeles Harbor from all over the world and take passengers with them.

Mr. STAFFORD. There is just as much argument for having a passport bureau in an interior place.

Mr. CRAIL. We are not deciding against any interior place. If they want to present their arguments to the committee, let them do it. This bill has been favorably reported by the unanimous vote of the Committee on Foreign Affairs.

The SPEAKER. The time of the gentleman from California has expired.

Mr. CRAIL. Mr. Speaker, I would like to know if there are any objectors, and I would like to see who the three objectors are.

The SPEAKER. The Chair noted three objectors.

ADDITIONAL JUDGE, EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 12059) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

The SPEAKER. Is there objection?

Mr. BOYLAN. Mr. Speaker, I object.

TO CREATE ADDITIONAL JUDICIAL DISTRICT IN KENTUCKY

The next business on the Consent Calendar was the bill (H. R. 5624) to amend section 83 of the Judicial Code, as amended.

The SPEAKER. Is there objection?

Mr. THATCHER and Mr. GREGORY objected.

CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE

The next business on the Consent Calendar was a joint resolution (H. J. Res. 255) authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward

the Christopher Columbus Memorial Lighthouse at Santo Domingo.

The SPEAKER. Is there objection?

Mr. JENKINS. Reserving the right to object, what other countries are included with the United States in making up this sum?

Mr. LAGUARDIA. All of the South American Republics.

Mr. TEMPLE. The movement originated at the Fifth International Pan American Conference, at which a resolution was passed providing for the construction of a memorial lighthouse at this place. On January 22, 1927, the Congress of the United States took cognizance of the action of the Pan American conference, and passed a resolution in the following words:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States approves the international project advocated at the Pan American conference, held at Santiago de Chile, April, 1924, to erect a memorial lighthouse at Santo Domingo, Dominican Republic, to Christopher Columbus, and that the several States participating in that conference be notified through the usual diplomatic channels of the desire of the people of the United States to participate in this movement to honor the memory of the great navigator and discoverer.

Following the action of Congress which requested the President to notify the other Republics of the Pan American conference that we desired to participate in that, notice was sent out through the ordinary diplomatic channel and we are to that extent committed to the project.

Mr. JENKINS. While we are not legally responsible, we are morally responsible to come forward with our share.

Mr. TEMPLE. Congress asked the President to notify the South and Central American countries that we wished to participate in it. He did so. The Secretary of State of the United States was the chairman of the joint committee that drew up the plan by which the money was to be raised, apportioning $1,500,000 among the various States, to be divided among them according to population, as the expenses of the Pan American conference are apportioned, and our proportion is the amount stated in the joint resolution.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we hear much in these closing days of the need for economy. The question is going to arise very shortly whether we will be compelled to withhold perhaps deserved payments to World War veterans on account of the objection of the Treasury that if we do, we may be obliged to raise income taxes again. For my part, I would be willing to increase the income taxes in the higher brackets for that purpose. I do not think there is any exigent reason why we should commit ourselves to the expenditure of $870,000 for a memorial lighthouse in the Caribbean.

Mr. LAGUARDIA. Whether we do it to-day, we will have to do it some other day. We are committed to it.

Mr. STAFFORD. Will the gentleman agree to have this passed over without prejudice?

Mr. LAGUARDIA. No. It will take three objections the next time.

Mr. STAFFORD. I think it should be passed over, waiting the result of our action on the war veterans' proposition.

Mr. LAGUARDIA. This Congress did not hesitate to donate $50,000 for a memorial in Iceland for Ericsson.

Mr. STAFFORD. Oh, the gentleman is in error as to the amount. We did not hesitate the other day to vote $11,000,000 for a new Post Office Department building, which is not needed, of $3,000,000 for changing the façade of the State, War, and Navy Building. We are spending millions and millions of dollars, and where are we going to stop? Here is a good place to begin now until the finances of the Treasury are in better shape.

Mr. GREENWOOD. I would like to know whether there has been any commitment or negotiations on the part of the United States or any of the Governments of the Pan American Union whereby some action has been taken that would commit us to this expenditure. If there is, I think our Government should do its part, but if there are no commitment or negotiations then I would agree with the gentleman from Wisconsin.

Mr. TEMPLE. At the request of a concurrent resolution passed by both House of Congress the President notified the other members of the Pan American conference through the ordinary diplomatic channels that we wished to participate in this matter. The Santo Domingo Republic has appropriated $300,000. The site has been in part secured. This bill provides that nothing be paid until the whole park has been dedicated in perpetuity for this purpose by the Dominican Republic. This is an authorization and not an appropriation, and it seems to me that we are committed to it by our action of 1927.

Mr. STAFFORD. Mr. Speaker, for the time being I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. TEMPLE. I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

INTERSTATE TRANSPORTATION OF BLACK BASS, ETC.

The next business on the Consent Calendar was the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926.

The title of the bill was read.

The SPEAKER pro tempore (Mr. RAMSEYER). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, is there anyone here who is interested in angling for black bass?

Mr. STAFFORD. There are plenty of anglers about, angling for votes. [Laughter.]

Mr. NELSON of Maine. This measure is designed to render enforceable the Hawes Black Bass Act, passed in 1926. The original act was not broad enough to make enforcement practicable, and machinery of enforcement was entirely lacking. There is a very general public interest in this bill, especially among the 100,000 members of the Izaak Walton League and among all persons interested in the conservation of our wild life.

Mr. LAGUARDIA. I call the gentleman's attention and the attention of the gentleman from Wisconsin [Mr. STAFFORD] to page 6, section 6, of the amendment:

Any employee of the Department of Commerce authorized by the Secretary of Commerce to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction.

That provision, to my mind, is too broad.

Mr. STAFFORD. That is another Volstead Act.

Mr. NELSON of Maine. The original Hawes bill was passed in 1926. It was enacted in response to a decided demand for such legislation. The trouble with it is that it supplies no machinery of enforcement such as is provided in this bill. From the time of the passage of the Hawes bill down to the present day there has been no prosecution under it, because there were no enforcement officers provided. Somebody has to be designated to carry out the terms of this bill. We have selected the officials of the department which is most interested in it, officials appointed by the Secretary of Commerce. We are giving to them no more power than the employees of the Immigration Service have where they see an act committed in violation of the law.

Mr. LAGUARDIA. Subdivision (b), on page 7, provides:

All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Commerce shall by regulations prescribe.

Mr. NELSON of Maine. What is the trouble with that?

Mr. LAGUARDIA. The trouble with that is that an employee of the department may seize fish at any time or place without a warrant and, perhaps, without probable cause.

Mr. NELSON of Maine. That will be done by duly constituted officers of the law.

Mr. LAGUARDIA. Are you to have fish wardens?

Mr. NELSON of Maine. If you want this work done, somebody has to do it, and duly authorized members of the department most interested in the work are to take charge of the enforcement.

Mr. LAGUARDIA. I want to call the attention of the House to the fact that it will soon be so that a citizen will be unable to go out to fish unless he has a lawyer on each side of him. We are passing laws every day providing for summary arrest and searches and seizures—it is time to let up a bit.

Mr. COLLINS. Mr. Speaker, will the gentleman from Maine yield for a question?

Mr. NELSON of Maine. Certainly.

Mr. COLLINS. I think a worse objection than the ones that the gentleman has pointed out is section 5, which gives the Secretary of Commerce the right to make rules and regulations to carry out the provisions of the act. It provides:

The Secretary of Commerce is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and

Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

There is no way by which anyone can know what the rules and regulations will be.

Mr. NELSON of Maine. That is done in every State and by the National Government. A large part of our laws empower administrative bodies to make rules and regulations. I think the bill was very carefully drawn, and provisions were incorporated in it similar to those in the Lacey Act, which was enacted to prevent illegal transportation of birds, animals, and parts thereof. It has been in successful operation for 30 years.

Mr. LAGUARDIA. I am familiar with the enforcement of such laws, having served as a deputy attorney general of my State, and I am familiar with the procedure as well as the habits of game wardens.

Mr. NELSON of Maine. When the officer goes out and finds a man in the act of violating the law, he does not need to have a warrant. As a matter of actual practice you can not get a warrant, and then go back and find the violator.

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

AMENDMENT OF THE FEDERAL RESERVE ACT

The next business on the Consent Calendar was the bill (S. 4096) to amend section 4 of the Federal reserve act.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the Federal reserve act, as amended (U. S. C., title 12, sec. 304), be further amended by striking out that paragraph thereof which reads as follows:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and section choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

And by inserting in lieu thereof the following:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. The candidate then having a majority of the electors voting and the highest number of combined votes shall be declared elected. If no candidate have a majority of electors voting and the highest number of votes when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

The Senate bill was ordered to be read a third time, was read the third time, and passed.

GRATUITY TO DEPENDENT RELATIVES OF OFFICERS, ENLISTED MEN, OR NURSES

The next business on the Consent Calendar was the bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this bill will take away the right of review by the Comptroller General, and therefore I object.

Mr. STAFFORD. Mr. Speaker, this requires three objections. The Naval Affairs Committee has the call on Wednesday next, and it can be considered then, and therefore I object.

Mr. COLLINS. Mr. Speaker, I object.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF LOUISIANA

The next business on the Consent Calendar was the bill (H. R. 11622) to provide for the appointment of an additional district judge for the eastern district of Louisiana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice in the report of the Attorney General for the past fiscal year the business of the western district of Louisiana is not in a backward condition.

Mr. BACHMANN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BACHMANN. This bill provides for an additional judge for the entire State of Louisiana. It is a misprint on the calendar. If the gentleman will look at the bill, I think it asks for a judge to serve in the State as a whole, in both districts, and not alone in the eastern district.

Mr. STAFFORD. Originally it was introduced for service in the eastern district alone. The committee reported an amendment providing it should apply both to the western and the eastern districts. In the western district of Louisiana I find there were 49 new cases begun in the last fiscal year and 78 were concluded, and at the close of business, in so far as private litigation is concerned, on June 30, 1928, there were 104 cases pending, whereas at the close of business in 1929 there were only 75 cases pending.

In the eastern district conditions are somewhat different. There were 122 cases begun during the year and 124 terminated, with 216 pending at the end of the year.

Mr. GREENWOOD. That makes them nearly two years behind.

Mr. STAFFORD. I would like to have some explanation as to whether the status of the business in the eastern district is such as to require additional services.

Mr. BACHMANN. Will the gentleman yield in that connection?

Mr. STAFFORD. I yield.

Mr. BACHMANN. The gentleman has referred to the report of the Attorney General ending with the fiscal year 1929. He only refers to the business for the fiscal year 1929.

To find out whether it is increasing or decreasing it would be well to consider what business has been transacted in the last four years. If the gentleman will permit, I will try to tell him what that business was in the last four years, which may clarify the situation.

Mr. STAFFORD. I am more concerned about the business in the eastern district, because I am quite certain the business in the western district does not require an additional judge. Every district would require an additional judge if we would take the status of the business in the western district as a basis.

Mr. BACHMANN. The percentage of business done in the western district for the last four years is 78 per cent of the business that has been completed in the State. The great bulk of the business is done in the western district, but if you will notice the eastern district you will find that most of the litigation there is of a criminal nature.

Mr. STAFFORD. I am basing my position on the private litigation rather than on criminal litigation. I do not think it is fair in the determination of the need of additional judges to consider the number of cases pending of a criminal character for this reason: There are many dead cases on the criminal calendar that are carried over from year to year. The defendants have flown and can not be located and the judges simply carry them on the docket. As far as private business is concerned, particularly cases instituted by private parties in admiralty or in general litigation, that should be the basis to follow in determining whether additional judges are required.

Mr. BACHMANN. May I ask the gentleman what he means by "private litigation"? Does the gentleman mean litigation in which private citizens are involved, or does the gentleman mean civil litigation in which both private parties and the Government are involved?

Mr. STAFFORD. I mean litigation begun by private parties.

Mr. BACHMANN. Private and civil litigation.

Mr. STAFFORD. As is included in the report of the Attorney General, known as private litigation, as distinguished from civil cases, including customs, internal-revenue regulations, banking and finances, which do not require much attention.

Mr. BACHMANN. For the year 1929 in the eastern district of Louisiana there were 124 cases in which private litigants were involved and in which the Government was not interested.

There were 383 cases in which the Government was interested of a civil nature, or a total of over 500 cases which would be called civil cases in the eastern district alone during the year 1929.

I may say for the 4-year period the civil and private cases of that district amounted to over 2,200.

Mr. STAFFORD. I assume litigation arising out of navigation pertaining to New Orleans is in the eastern district of Louisiana?

Mr. WILSON. Yes, it is. The city of New Orleans; but 36 of the 64 parishes of the State are in the western district. It is a larger territory.

This judge will have jurisdiction in the eastern and western districts as well.

Mr. STAFFORD. I do not think there is any need, from the showing made here, of any assistance in the western district. I have some doubt as to whether there is any need for an additional judge in the eastern district.

Mr. GREENWOOD. I would like to know whether the court is making any gain upon the docket or whether it is getting further behind?

Mr. BACHMANN. I understand that in the eastern district the court is getting further behind in civil cases, because in the year 1928 they had 188 civil cases and at the end of the fiscal year 1929 the number had increased to 383.

Mr. GREENWOOD. How far behind are they on the docket?

Mr. BACHMANN. They have pending 139 civil cases in the eastern district, and 216 private cases.

Mr. GREENWOOD. How many did they dispose of last year?

Mr. BACHMANN. They terminated in 1929 383 civil cases, 124 private cases, and 974 criminal cases, a total of 1,481 cases in the eastern district alone.

Mr. GREENWOOD. Does that make them more than a year behind on the docket?

Mr. BACHMANN. I would say they are pretty close to a year behind.

Mr. STAFFORD. Did Chief Justice Taft in his report, as found in the report of the Attorney General, recommend an additional district judge in Louisiana?

Mr. BACHMANN. The report of the judicial conference last October did not recommend an additional judge for Louisiana, but I might say to the gentleman for his information that I introduced about 17 bills for additional judges in this country, for this reason:

When the Judiciary Committee was considering the law enforcement program of enlarging the powers of United States commissioners, I went to discuss the matter with the Attorney General, and asked him what his position was with respect to increasing the powers of United States commissioners, and the appointment of additional judges. He told me that even though we passed the bill enlarging the powers of United States commissioners we would still need some additional judges. He sent telegrams to the senior circuit judges who are members of the judicial conference we are talking about, asking them their opinion as to the work in each judicial district of the United States. I have photostatic copies of the telegrams containing the answers received from these senior circuit judges, and every bill I introduced was upon the recommendation of the senior circuit judge of the particular circuit involved. The recommendation was that an additional judge was needed there, and that is true in Louisiana. Those telegrams were sent to the Attorney General and the Attorney General delivered them to me.

Mr. STAFFORD. Mr. Speaker, my general acquaintance with the condition of litigation arising in large cities, especially where there is admiralty jurisdiction, such as is the case in New Orleans, and in view of the fact that the senior circuit judge makes this recommendation, I am prompted to withdraw my objection. I would have interposed an objection very readily to the appointment of an additional district judge for the western district, though there may be a need for an additional judge in that eastern district, but as the bill is drawn making them interchangeable, I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Louisiana.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern and western districts of Louisiana, who shall at the time of his appointment be a resident and a citizen of the State of Louisiana."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

TWO ADDITIONAL DISTRICT JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 12032) to provide for the appointment of two additional district judges for the southern district of New York.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNOR of New York and Mr. BOYLAN objected.

ADDITIONAL JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 12307) to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, in this case I would like to have the opinion of the gentleman from West Virginia or some Member from Oklahoma, who has first-hand knowledge, as to the condition in the western district of Oklahoma. I notice from the report of the Attorney General for the fiscal year ending June 30, 1929, that there were 224 private cases begun and that there are 234 pending. Will some gentleman give the House some information as to the current condition of litigation and the need of an additional judge in the western district?

Mr. BACHMANN. I call the gentleman's attention to the fact that in reading the figures from the report of the Attorney General, where he used the figures 224, there should be 97 added to that number, making 331, for the reason that the civil and private cases are all civil cases, and I think that is what the gentleman is trying to reach.

Mr. STAFFORD. I am not materially concerned about these little civil cases arising from violations of the internal revenue, commerce, and public health laws. I am considering the litigation inaugurated by private parties.

Mr. BACHMANN. There were 224 of those commenced in the western district of Oklahoma for the fiscal year 1929, and they completed in the western district 189 private cases. The figures which the gentleman read were figures as to the cases that were commenced in that district by private litigants, but they completed 189, and they have pending on the docket 269 private cases alone which the court has been unable to dispose of in the western district.

I understand their work is about a year behind now. It will take them about a year to clean up the cases on the docket in that district.

Mr. HASTINGS. Will the gentleman from West Virginia allow me to state that one of the largest oil fields anywhere in the United States has been developed south of Oklahoma City in the western district, and this country has enormously developed within the last year, and this increases the necessity for this additional judge in the western district.

Mr. STAFFORD. Is the present incumbent a live judge, or is he rather ancient in his ways?

Mr. GARBER of Oklahoma. He is a newly appointed judge, and a very active and efficient one. I may say to the gentleman, supplementing the report of the Committee on the Judiciary, this legislation is requested by the senior circuit judge of the tenth circuit, also by each of the United States district judges in the State of Oklahoma and two of the United States district attorneys. During the 4-year period, according to the Bachmann tables, there were 13,604 cases commenced, and at the end of that period there were 2,466 cases pending, 1,016 of which were pending in the western district. It was at the suggestion of the senior circuit judge of the tenth circuit that the bill was framed to appoint this judge for the western district. Of course, the gentleman is familiar with the law that makes each judge in any of the districts subject to assignment in the various districts of the country.

Mr. STAFFORD. By direction of the senior circuit judge.

Mr. GARBER of Oklahoma. Yes.

Mr. STAFFORD. I see that in the eastern district considerable litigation has developed during the year.

Mr. GARBER of Oklahoma. That is correct. The gentleman is absolutely correct about that and we should actually have two district judges instead of one.

Mr. STAFFORD. This additional judge, as the gentleman has stated, can be utilized not only in the western but in the eastern district.

Mr. GARBER of Oklahoma. He will be subject to assignment to any of the districts.

Mr. BACHMANN. I may add for the gentleman's information that the increase in the oil business alone in this State has greatly increased private litigation.

Mr. STAFFORD. Why did not the committee make this judge available for both districts in Oklahoma?

Mr. BACHMANN. Because the senior circuit judge of that circuit thought it should be in this district.

Mr. GARBER of Oklahoma. On account of the increased number of cases pending and undetermined in that district.

It is admitted that population alone is not determinative of the number of Federal judges for a State, although the estimated figure of the last census for Oklahoma is 2,426,000. Neither is the area of a State the test, although Oklahoma has 69,414 square miles. The State's annual production, indicative of the volume of business, may not be satisfactory in such determination, although Oklahoma's production of new wealth for 1929 was $1,463,460,000.

Not one—nor all—of these factors may be sufficient evidence to show the need for an additional judge, but when we consider the enormous annual production of new wealth, indicative of the vast volume of business transacted, coupled with the requests of the Federal judges of the State, attempting to administer the ever-increasing volume of litigation, and the 13,604 cases commenced in the Federal courts of the State within the 4-year period, beginning with the fiscal year 1926 and ending with the fiscal year 1929, and the 2,466 cases pending at the close of the fiscal year 1929, we believe such evidence affords the highest degree of proof of which the case is susceptible.

The pending bill under consideration authorizes the appointment of an additional United States district judge for the western district of Oklahoma, subject, of course, to assignment in the other districts of the State. It has been favorably reported by the House Judiciary Committee. It has been recommended by the senior circuit judge of the tenth circuit, and each of the presiding United States district judges in the three Federal districts of the State.

Referring to the proposed legislation, Senior Circuit Judge Robert E. Lewis said:

> Its purpose, as I understand, is to afford additional assistance in disposing of congested dockets in each of the three districts. I think the appointment should be made for only one of the districts, and then by assignment to the different districts the four district judges can serve in each. I have named the western district as the one in which the appointment should be made because of statements in your former letter that business in that district promises to be larger than either of the other two. Of course, I have no wishes about that, but think the bill should specify one of the three districts for which the judge is to be appointed.

In commenting upon the above, the Hon. R. L. Williams, presiding United States district judge for the northern district said:

> I agree with the conclusions of Judge Lewis. This will equalize the matter geographically. That will provide two judges in old Oklahoma Territory and we will have two in old Indian Territory. You are authorized to state to Congressman GARBER that a bill in accordance with these suggestions meets with my approval.

I am also in receipt of telegrams as follows:

MUSKOGEE, OKLA., *May 27, 1930.*

M. C. GARBER,

House Office Building:

In my opinion an additional judge for western district to be available to assignment as aid in eastern and northern districts is needed.

H. L. WILLIAMS.

GUTHRIE, OKLA., *May 27, 1930.*

Hon. M. C. GARBER,

Member of Congress:

Judges for the northern, eastern, and western districts have had conference on this subject and we all agree that the appointment of additional judge for Oklahoma is not only necessary but is the most practical solution of the present situation for offering relief for present congested condition.

EDGAR S. VAUGHT,
Presiding Judge for Western District.

TULSA, OKLA., *May 26, 1930.*

Hon. M. C. GARBER,

Member of Congress:

The appointment of an additional United States district judge for the western district of Oklahoma subject to assignment would greatly relieve the congested dockets of the various judicial districts of Oklahoma. I sincerely trust you will be able to have this bill passed at the present session of Congress.

F. E. KENNAMER,
Presiding Judge of Eastern District.

TULSA, OKLA., *May 28, 1930.*

Hon. M. C. GARBER,

Member of Congress:

Grand jury this district on April 27 returned 186 true bills for felonies. Grand jury in session now will return approximately 75 indictments, making total of approximately 750 criminal cases pending. Business this district rapidly increasing. I believe an additional judge for each Oklahoma district is needed, and I am certainly sure that two additional judges are needed, together with additional forces for district attorneys and marshals. This district certainly needs another judge.

GOLDSBERRY,
United States District Attorney for Eastern District.

MUSKOGEE, OKLA., *May 28, 1930.*

M. C. GARBER,

House of Representatives:

Absolute need for additional judge, western district, subject assignment eastern and northern districts Oklahoma. Recommend legislation.

FRANK LEE,
United States District Attorney for Northern District.

Measured by the degree of proof of which the case is susceptible and by the precedents established by preceding Congresses, there can be no question as to the necessity for the proposed legislation.

Florida, with a population of 968,470, less than half that of Oklahoma, and an area of 14,553 square miles less, has four district judges, but there were 4,306 more cases commenced in Oklahoma than in Florida for the 4-year period.

Michigan has five district judges, yet in the 4-year period there were 356 more cases filed in the Federal courts of Oklahoma than in the Federal courts of that State.

With four district judges, Missouri had a total of cases commenced during the 4-year period of 11,677, or 1,927 less than in the State of Oklahoma.

New Jersey has four district judges, but there were 4,093 more cases commenced in Oklahoma in the 4-year period than in New Jersey.

North Carolina has four district judges, but in the 4-year period there were 3,188 more cases commenced in Oklahoma with her three judges.

OKLAHOMA'S MARVELOUS DEVELOPMENT

But few realize and appreciate the rapid growth and unparalleled development of Oklahoma's resources during the last decade. It is without precedent in our history. Oklahoma was of age on the 16th day of November, 1928. Forty-sixth in age among the States, she ranks twenty-first in population, and her amazing development since the turn of the century ranks her among the leading States of the Nation.

Oklahoma is one of the few States producing more than $1,500,000,000 worth of commodities annually, and whose annual output of mineral, agricultural, and manufacturing products are almost identical in value.

Of all the States in the Union, she ranks first in the diversity of natural resources; in acre income of soil products; in farm income on the investment; in percentage of return on more than three-fourths of the 56 leading crops in the United States; in value of petroleum and its allied products, natural gas and casing-head gasoline; in the value of annual production of zinc and lead; in estimated total value of unmined minerals; in the production of crude oil; in the area of oil-producing territory.

She ranks second in the production of grain sorghums; second in annual value of minerals produced; second in pipe-line capacity and extent of area served; third in the production of winter wheat; fourth in cotton; fourth in pecans; fifth in all wheat; sixth in peanuts; twelfth in corn; thirteenth in poultry; and according to the last census she outstripped 31 States in the value of livestock products.

They say "a new broom sweeps clean." Oklahoma is not only a new broom sweeping away all precedents in the rapidity and quantity of annual production of the Nation's needs, but she actually grows and furnishes the broom corn "to sweep the

Nation clean." Her annual production of that staple is greater than that of all the other States combined.

In agricultural wealth Oklahoma has advanced from a few million dollars a year to more than $500,000,000 annually. Year after year the State has hovered around tenth place among all the States in the United States in total value of all crops, exclusive of livestock and dairy products, poultry and poultry products. In 1928, with a total crop value of $303,382,000, she ranked ninth with an increase in valuation over the previous year of $23,210,000. She has become richer in actual dollars and cents in a shorter period of time than any domain in the history of mankind, not excepting any of the gold regions. In combined new wealth per year—that is, in money derived from the products of the soil, the ranch, the mines, and the oil wells—Oklahoma in 1927 ranked third among the States, being surpassed only by Texas and Pennsylvania, and followed in the order named by California, Illinois, Ohio, Iowa, West Virginia, North Carolina, and Minnesota, those being the high 10.

According to the 1925 census every dollar invested in farm land in Oklahoma brought in returns exceeding those in the greatest dairy State, the greatest corn State, and the greatest wheat State in the country.

Before her 21st birthday Oklahoma had won a forward place in the procession of States on cotton and cereals alone. Without a drop of petroleum the State would occupy an enviable position before the world. With petroleum adding its quick increment to the coffers of the community, Oklahoma presents an astonishing spectacle, more striking perhaps when it is viewed from a distance than close at hand. She has developed from Indian and public lands, innocent of population, by 7-league strides, to her place to-day as one of the most progressive, up-to-date States of the Nation.

1929 PRODUCTION OF OKLAHOMA

The estimated total production of new wealth in Oklahoma during the year 1929, compiled from official reports by the United States Department of Agriculture, Oklahoma State Board of Agriculture, Oklahoma Geological Survey, and the United States Department of Commerce:

Agriculture

Crops:	Value
Cotton, 1,142,000 bales	$89,647,000
Wheat, 44,478,000 bushels	44,033,000
Corn, 48,320,000 bushels	38,173,000
Cottonseed, 507,000 tons	15,717,000
Hay, 1,364,000 tons	15,654,000
Grain sorghums, 20,483,000 bushels	13,314,000
Oats, 20,592,000 bushels	9,884,000
Other crops	28,896,000
1929 plow-crop production	255,318,000
Livestock (total value of all livestock in the State as of Dec. 31, 1929)	125,142,000
Other farm products:	
Poultry and eggs, milk and butter, wool, honey, wax, etc	112,000,000
1929 value farm products	492,460,000
Manufactured products	465,000,000

Minerals

Petroleum, 253,000,000 barrels	354,000,000
Natural gasoline, 625,000,000 gallons	43,000,000
Natural gas, 325,000,000 M cubic feet	48,000,000
Zinc, 250,000 short tons	20,000,000
Coal, 5,000,000 short tons	15,000,000
Other minerals	21,000,000
1929 value of mineral products	501,000,000
Lumber and timber	5,000,000
1929 mineral and forest products	506,000,000
1929 total production	1,463,460,000

Note how nearly balanced are total values of farm products, mineral products, and manufactured products. What other State can make this showing?

In a recent signed statement the Hon. W. J. Holloway, Governor of the State of Oklahoma, referring to the State's financial condition, said:

As for State taxes, our constitutional limitation is fixed at 3½ mills upon the assessed value of property. During three out of the past five years it has been unnecessary to levy any State tax upon real property.

The business of the State is conducted upon the sound business principles of honesty and conservatism, with due regard to the changing and increasing needs of the times.

In only 22 years Oklahoma has erected adequate and generous educational, eleemosynary, and penal institutions of all kinds, in keeping with the best social practices of the Nation. It has equipped all of these institutions with buildings without a bond issue, and to-day the State building fund has $3,000,000 in the hands of the State treasurer to be used at the appropriate time for the construction of new State buildings.

The total outstanding State debt at present is approximately $2,000,000, but the actual money is now in the hands of the State treasurer to pay these bonds when due. If the holders of the bonds would present them for payment to-morrow, they could be retired without effort.

Oklahoma State warrants bring par at any bank in the State. There are ample funds in the hands of the State treasurer to meet every expense of legitimate government when due.

Furthermore, Oklahoma shows well-organized State, county, and city government, stable, reliable, and solvent throughout.

Thirteen millions of dollars are raised annually for the building of State highways without a cent of added tax burden upon the property of the State.

Oklahoma's estimated population is 2,246,000. In area it is 69,414 square miles. Measured by volume of the annual production of wealth, the annual amount of business transacted, by the area of the State, its ever-increasing population, and the number of cases pending in her Federal courts, Oklahoma is entitled to two additional judges of the United States District Court when she is simply asking for one. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional judge of the District Court of the United States for the Western District of Oklahoma, who shall reside in said district and possess the same powers and jurisdiction and perform the same duties as are required to be performed by the present district judge of said district and receive the same compensation.

SEC. 2. In the event a vacancy occurs in the office of the United States district judge appointed under this act, the President is hereby authorized, by and with the advice and consent of the Senate, to fill such vacancy by appointment without further authorization by the Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WEST POINT, GA., AND LANETT, ALA., POST-OFFICE BUILDINGS

The next business on the Consent Calendar was the bill (H. R. 11515) to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., for the acquisition in West Point, Ga., of a new site, and for the erection thereon of a Federal building.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to inquire if this bill constitutes an exception to the building program. If so, why does it come before us in this form? I suppose there is some good reason for it.

Mr. WRIGHT. There is a very unique situation at West Point, Ga., and Lanett, Ala., in reference to a post-office building.

Mr. LAGUARDIA. Is this where you had one building for two towns?

Mr. WRIGHT. Yes; and neither one wants it and the populations of the towns have grown away from the site. It would not serve either community properly now and legislation is required to transfer the fund to West Point, which is the only one of the two towns which can qualify for a building. The receipts of the Lanett office are only a little over $6,000 per annum, while those of the West Point office are over $19,000.

Mr. CRAMTON. The fact is, if the gentleman will permit, the receipts of West Point are less than the receipts of towns for which we have been making appropriations, but about enough to entitle them to consideration under the new legislation.

Mr. LAGUARDIA. About $19,000.

Mr. CRAMTON. Yes; but the appropriation was authorized a number of years ago under other conditions.

Mr. WRIGHT. In 1913, in the general omnibus bill.

Mr. CRAMTON. But as to Lanett, their receipts are about $6,000, and the authorization for a building at Lanett as provided in the amendment is a new authorization for a town with receipts of less than $7,000, although it does not become effective until they have receipts of $7,500. This is smaller than the receipts of any other town that is being considered, unless it is one of those where it is mandatory to provide two in a State.

Mr. LAGUARDIA. Are we not operating under a policy of a $20,000 income for post offices in allocation for new buildings?

Mr. CRAMTON. It is my understanding the new legislation would bring it down to approximately $20,000.

Mr. CRISP. If the gentleman will permit, while, of course, the policy is they will not put a building or purchase a site where the receipts are less than $20,000, there were a number of cases where the Government bought sites under the act of 1913, and the act says that in those particular places where they have had the sites if the receipts are $7,500 they will build them.

Mr. LAGUARDIA. Would it be prejudicial to Lanett if we struck out that part of the section put in by the committee, commencing with line 11 and simply transfer the appropriation to West Point?

Mr. CRISP. I will let the gentleman from Georgia [Mr. WRIGHT] answer that. It is in his district.

Mr. PATTERSON. Absolutely. It would do away with any equity Lanett might have. It is a joint project, and it would do away with Lanett's equity.

Mr. CRAMTON. Why should we build a public building for Lanett, with receipts of less than $7,000, when there are towns all over the country with larger receipts than that, from $7,000 up to $20,000, that will not be reached for a number of years?

Mr. PATTERSON. We are not asking for a building now. We are asking for the preservation of our equity in this site. If we have that destroyed and give it all to West Point, we will then have no equity with respect to getting a building in the future.

Mr. CRAMTON. You are not asking that your equity be preserved; you are asking that when your receipts reach $7,500 you get a building. No other town in the country has that possibility except where the two in a State provision is applicable.

Mr. PATTERSON. But the law itself permits that. I talked with Secretary Heath about it a few moments ago, I will say to my good friend from Michigan, and Secretary Heath said that where these sites were purchased under the 1913 act they come in under the $7,500 provision.

Mr. HOGG. Is not the gentleman opposed to the expenditure of money for the Post Office Department?

Mr. PATTERSON. Oh, no; the gentleman has gotten me mixed up with some other Member. I have done all I could to get the post office to extend the rural mail.

Mr. HOGG. Recently we had bills here to raise revenue for the Post Office Department. If I recollect rightly, the gentleman objected to them.

Mr. LAGUARDIA. My colleague refers to the various popgun efficiency bills which they doped out. They will soon want 2 cents for going into the post office or have a turnstile and drop a nickel in the slot. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to dispose of the present Federal-building site located on the State line dividing West Point, Ga., and Lanett, Ala., acquired under the act of March 4, 1913 (37 Stat. 873), in such manner and upon such terms as he may deem for the best interests of the United States, and to convey such site to the purchaser thereof by the usual quit-claim deed; and to acquire in lieu thereby, by purchase, condemnation, or otherwise, a new site located in West Point, Ga., and to construct a Federal building thereon; the proceeds of the sale of the site now located on the State line dividing West Point, Ga., and Lanett, Ala., and the appropriations heretofore made thereof, be, and the same are hereby, reappropriated and made available for the acquisition of the site and commencement of the building to be located in West Point, Ga.

With the following committee amendment:

At the end of the bill, on page 2, add the following:

"The Secretary of the Treasury is authorized, when the postal receipts at the city of Lanett, Ala., have reached the sum of $7,500 annually, to acquire by purchase, condemnation, or otherwise a site in such city and to construct a United States post office thereon."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 13, strike out the figures $7,500, and insert in lieu thereof $10,000.

Mr. PATTERSON. I hope the gentleman does not insist on this amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill, as amended, was ordered to be engrossed, read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

The title was amended.

Mr. PATTERSON. I regret that the amendment of the gentleman from New York prevailed, but I do appreciate the fine spirit of the Members here on the floor regarding this matter. I realize that it is an important question and, I believe that I can safely say that every person living in the splendid city of Lanett will be deeply grateful to the Members of this House for passing this bill. I want to say I especially appreciate the splendid spirit shown here by the Republican Members of this House regarding this project. I have often seen this fine spirit demonstrated here toward my section of the country, and I want to say further that I appreciate deeply the kind things said here of me and my services on this floor, and I shall do my best at all times to deserve this high commendation.

This is an important project to our people, and I feel that this will mean much to the growing and prosperous city of Lanett, Ala.

In closing may I say that the people I represent thank you and I thank you, and I also desire to say it is my wish to unselfishly serve our whole country more and more.

TRANSFER OF PROPERTY LOCATED AT HOBOKEN, N. J.

The next business on the Consent Calendar was the bill (H. R. 12383) to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. DAVIS. Will the gentleman withhold that for a moment?

Mr. SCHAFER of Wisconsin. I will.

Mr. DAVIS. I wish to say to the gentleman from Wisconsin that I have no personal interest whatever in this bill, but it was considered by a committee of which I am a member. It is simply to save the Government by transfer from one department to another of some land needed for post-office buildings. A bill has been enacted authorizing the sale of the property by the Shipping Board.

Mr. LAGUARDIA. I want to ask the gentleman a question, because I know the great Committee on Merchant Marine never goes wrong. Why did not the committee follow the same policy when it came to the Hoboken piers?

Mr. DAVIS. The committee would have been glad to have done that if the municipality was in a position to acquire the property, but they stated that they could not do it.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I do not object to the consideration of this bill and I will withdraw my request.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby transferred from the United States Shipping Board to the Treasury Department, as an addition to the present post-office site at Hoboken, N. J., a piece or parcel of land in said city, contiguous to the east line of the present post-office site as transferred under the second deficiency act, 1929, fronting 25 feet along the north line of Newark Street, and extending at that width in a northerly direction 175 feet; also a piece or parcel of land 25 feet wide on the northerly side of said post-office site and contiguous thereto, as extended herein, running westerly along the south side of First Street extended, 225 feet, more or less, to the easterly side of River Street.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRANSFER OF THE RADIO DIVISION FROM THE DEPARTMENT OF COMMERCE TO THE FEDERAL RADIO COMMISSION

The next business on the Consent Calendar was the bill (S. J. Res. 176) transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. DAVIS. Will the gentleman withhold his request?

Mr. SCHAFER of Wisconsin. Yes.

Mr. DAVIS. Mr. Speaker and gentlemen, I want to say that this is a very important bill with respect to both sections. The House committee amendment clarifies the appeal provision in the present law. The radio act of 1927 contains certain provisions providing for appeals from the Federal Radio Commission to the Court of Appeals of the District of Columbia, and provides the method by which that might be effected.

Mr. SCHAFER of Wisconsin. I understand that, and it is not the particular provision which I find objectionable. I would not have any objection if you had a separate bill providing for the appeal. However, I do not think the Unanimous Consent Calendar is the time or place to consider a question of the transfer of the entire functions of the radio division of the Department of Commerce which has been functioning with almost 100 per cent efficiency.

Mr. DAVIS. Mr. Speaker, will the gentleman yield further on that question?

Mr. SCHAFER of Wisconsin. Yes.

Mr. DAVIS. I was going to discuss that after discussing the appeal features. The radio act of 1927, together with amendments thereto, has already transferred to the Federal Radio Commission all functions and authority whatever that formerly vested in the Secretary of Commerce with respect to radio, with the sole exception of the present so-called radio division in the Department of Commerce, which is nothing more or less than the radio inspectors. There are 40 or 50 radio inspectors who have no functions and no power whatever except to make inspections of radio trouble. They have no authority to make or enforce any order. They are hanging in mid-air.

They could perform a very useful function under the jurisdiction of the Federal Radio Commission, because that commission could direct them into different sections to investigate reports and complaints of trouble, and then upon receipt of information could issue effective orders; but as it is now, they are not under the orders of the Federal Radio Commission, they are not required to make reports to them, because they have no jurisdiction whatever over them, so that their work is practically effecting nothing now. With respect to taking it away from the Secretary of Commerce, Secretary Lamont approved this bill.

Mr. LAGUARDIA. Mr. Speaker, the Department of Commerce has jurisdiction over the Steamboat Inspection Service?

Mr. DAVIS. That is correct.

Mr. LAGUARDIA. The Radio Bureau of the Department of Commerce was vested with the duty of inspecting the radio equipment on ships. Does not the gentleman believe that the Steamboat Inspection Service and the inspection of radio equipment on ships are so closely related that they should remain in the Department of Commerce? I am referring only to the inspection of radio equipment on ships.

Mr. DAVIS. The inspection of radio on ships is a very small feature of the inspection of radios.

Mr. LAGUARDIA. But it is an important duty, nevertheless.

Mr. DAVIS. That is true, but the Secretary of Commerce is not now undertaking to exercise any jurisdiction or any authority with respect to radio in any particular, with the sole exception, as I stated, that these inspectors are still resting in the department.

Mr. LAGUARDIA. And not doing anything?

Mr. DAVIS. Nothing, except making inspections and advising; these inspectors can not enforce an order. They are simply going around making inspections and reporting them to the chief of that division.

Mr. LAGUARDIA. When this bill was considered, I hoped that the committee would find some way to leave the inspection of the physical equipment of radios on ships to the Department of Commerce, along with the Steamboat Inspection Service.

Mr. DAVIS. The Committee on Commerce of the Senate unanimously reported this resolution and the Senate unanimously adopted it. The Committee on Merchant Marine and Fisheries of the House unanimously reported the bill after considering it. These are the two committees that have had exclusive jurisdiction over all radio matters since the very beginning, and we are unanimously of opinion that this is in the interest of the public service and in the interest of economy. I have no object or purpose whatever in the matter, no personal interest, but we were unanimously convinced that that is true, and for that reason I believe the gentleman ought to permit it to be called up, because to pass it over would probably mean the failure of the passage of the resolution this session; and there is a feature that I started to explain to the gentleman. The appeal feature will appeal to the gentleman from Wisconsin, I know.

Mr. OLIVER of Alabama. Mr. Speaker, I think the gentleman is in error in stating that the Secretary of Commerce favors the transfer of it at this time. My information is that he feels it should await general legislation that is now pending, and which is to be considered at the December session. There are many matters connected with the transfer that I think can be worked out better under the bill now pending in the Senate.

Mr. DAVIS. If that is the present position of the Secretary of Commerce, he has changed his position since our committee reported the bill, and we have received no advice to that effect. The transfer has been already absolutely effected with respect to all radio matters and all personnel, with the single exception of these inspectors, who are hanging in mid-air on salaries, practically effecting no good purpose. The gentleman I presume refers to the Couzens communication bill, and it is a foregone conclusion that that bill has no chance of passage during the present session of Congress. I again appeal to the gentleman with respect to the amendment that we affixed to this bill, because it may be the only chance to pass it. We passed a bill through the House unanimously some time ago in which we amended the radio act of 1927 in several particulars, and among others embraced in it the committee amendment to this bill. The reason for that was this: In actual practice the appeal provision of the radio law has resulted in a great deal of confusion, and among other things the Supreme Court of the United States has held that an appeal from the court of appeals does not lie to the Supreme Court of the United States in a radio case, and they have refused to entertain any petition for a writ of certiorari. That was never the intention of the committee or the Congress, and this amendment makes it clear that that an appeal may lie, and it clarifies the whole procedure. It has the unanimous indorsement of the Federal Radio Commission, and of the general counsel for the commission, and of every one else familiar with it, so far as I know. While we have passed a bill embodying the same appeal amendment, yet it is hanging fire at the other end of the Capitol with no prospect of passage at this session, and unless this passes now that will continue at least until next December, and appeals are being made frequently.

There are now about 56 appeals pending, and it is a very serious and a very important matter from the public standpoint and also from the standpoint of the litigants themselves, who ought to have the right of review by the highest court of the land.

Mr. SCHAFER of Wisconsin. I appreciate that; and I have no objection to section 2. I regret to object at the present time, in view of the gentleman's position, because I believe he is one of the best members of the committee to follow on a matter affecting radio legislation. The fact that this resolution passed the Senate does not carry much weight with me.

Mr. OLIVER of Alabama. I have no doubt of the correctness of my statement that the Secretary of Commerce is not in favor of the passage of this bill at this time. The objection of the Secretary, however, as I am informed, relates only to the first part of the bill. Another bill on the calendar applies to the appeal and to this there should be no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REFUND OF VISA FEES

The next business on the Consent Calendar was the bill (H. R. 9673) to authorize the refund of visa fees in certain cases.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object——

Mr. JOHNSON of Washington. Does the gentleman expect to object?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. Then why not object now?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to insert at this point the minority report on the bill presented by the gentleman from New York [Mr. DICKSTEIN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I wish to make a statement in regard to this bill and consume only about a minute.

Mr. O'CONNOR of New York. May I ask if it is the practice of the committee to put on the Consent Calendar bills with the hope to pass the bills on which minority reports are filed?

Mr. JOHNSON of Washington. No; it is not the practice, but it seems to be the only way to reach a bill from the Committee on Immigration and Naturalization.

Mr. O'CONNOR of New York. I think that is a reprehensible practice. If I knew that there was a minority report on a bill on this calendar I would object to it.

Mr. JOHNSON of Washington. I suppose the minority report was put on file after the bill was put on the Consent Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. LAGUARDIA]?

There was no objection.

Following is the minority report referred to:

Mr. DICKSTEIN, from the Committee on Immigration and Naturalization, submitted the following minority report (to accompany H. R. 9673):

I am opposed to the bill H. R. 9673 for the reasons which I have heretofore stated on the floor of the House in my speech of January 8, 1930.

I took the position that our Government owes some duty to those who relying on the law then in force saw fit to make application for visas for admission to the United States and complied with every requirement of the statute then in force.

The total number of those who are affected by this proposed legislation is only 2,008. I believe that the Government is in duty bound to enable these prospective immigrants who have given up their homes preparatory to coming to the United States and who are now stranded in European ports waiting for a chance to get across to enable them to proceed to the United States.

To refund their visa fees is not the proper way to solve this problem. In the first place, most of the prospective immigrants do not know that such a law was passed and no means exist by which they could be advised of this proposed legislation.

Just consider the terms of this bill. It enables a prospective immigrant who failed to take advantage of a visa issued to him to make application for refund of his visa fee. This application must be made at an American consulate's office and, of course, is hedged around with many restrictions and technical provisions which will make it almost impossible for any alien to take advantage of it. But, assuming that an alien will take advantage of it and will apply for the refund of his visa fee, will it be keeping faith with the prospective immigrant for this Government to deprive him of all the rights to which he thinks he is entitled to by reason of the legislation in force at the time that he made his application for a consular visa.

I shall quote briefly from my remarks on January 8, 1930 (CONGRESSIONAL RECORD, 71st Cong., 2d sess., p. 1281):

"Mr. DICKSTEIN. I have also introduced a bill which I have urged in prior years, being now known as H. R. 5645. Under this bill an immigrant who has obtained a proper American visa prior to July 1, 1924, and who has paid the regular fee therefor and shall have otherwise qualified be admissible into this country without the quota.

"The number of aliens involved under this bill is not large. In fact, it amounts to a very small number.

"No reason exists why these men who have paid a visa fee and who have done everything in their power to qualify themselves for admission to the United States, should be barred from this country only because we have seen fit to amend our immigration laws without taking care of the situation."

For the foregoing reasons, I can not concur in the report of the committee and ask the House that this report be voted down.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. This is a bill which I hope can pass. It is desired by the Department of State. I wish it could have been referred to the Committee on Foreign Affairs originally. It involves $150,000 collected as fees for visas in 1924 from immigrants who were not allowed to receive the visas under the new law. There were 15,000 or more of them at one time. The United States has got the money in the Treasury belonging to these people, and owes it to them, and wants to pay them. Many of the holders of these visas are now in the United States, but to come they had to pay for other immigration visas. We should not keep their money. Several foreign governments have appealed to our State Department for the return of this money, belonging to these different people, most of whom as I have said, are now in the United States. It is their money, not ours, and should be returned to them. Apparently gentlemen who want other immigration legislation would try to force the situation by objecting to this one.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

EXPENSES OF BANK EXAMINATIONS

The next business on the Consent Calendar was the bill (S. 485) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, this is not the bill coming out of your committee relating to the Federal joint-stock land banks?

Mr. McFADDEN. No. This is to make it optional as to who shall pay for the examination of small banks.

Mr. LAGUARDIA. The bill provides that—

The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and when so assessed shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, or to any other proper persons.

Mr. McFADDEN. The gentleman is reading the present law. This applies to present examinations, either of national banks or State banks belonging to the Federal reserve system, and permits those charges to be paid by the board instead of being assessed against the banks.

Mr. LAGUARDIA. What I have read is the new matter inserted in the bill. I was reading from page 3 of the report on the bill—matter printed in italics.

Mr. STAFFORD. That is on page 4.

Mr. McFADDEN. I think the gentleman has misconstrued the present provision. It simply modifies the present drastic law. It makes it optional with the board whether the charges shall be met by the banks themselves or leave it to the board to decide. In many cases where the board finds it necessary to make extra examinations of a national bank or a State member bank, if it is a State bank the charge is borne by the State banks, and if it is a national bank, extra examination is by the Comptroller of the Currency.

Mr. LAGUARDIA. When it is paid by the Federal board, from what fund is it taken?

Mr. McFADDEN. The regular fund in their hands provided for examination.

Mr. LAGUARDIA. From appropriations made by Congress, or contributions by the member banks?

Mr. McFADDEN. Appropriations by Congress.

Mr. LAGUARDIA. What does such an examination cost?

Mr. McFADDEN. It depends on the size of the bank.

Mr. LAGUARDIA. It is not a large amount?

Mr. McFADDEN. No; it is not, but it is certainly objected to by many of the small member banks.

Mr. LAGUARDIA. Why? A bank that can not stand the cost of an examination as to its solvency, as to its standing, surely requires an examination.

Mr. McFADDEN. I will say to the gentleman that it is objected to strongly, and this particular legislation is recommended by the administrative officers of the Federal reserve system.

Mr. CARTER of California. To banks of what size does this amendment apply?

Mr. McFADDEN. To the small-size banks particularly. The large banks do not object.

Mr. CARTER of California. Could it not be applied to a bank of any size?

Mr. McFADDEN. I can not imagine the Federal Reserve Board permitting it to apply.

Mr. LAGUARDIA. It provides that the expense of such examination may, in the discretion of the Federal Reserve Board, be assessed against the bank examined, and when so assessed shall be paid by the bank examined. So that is the exception.

Mr. McFADDEN. It can be assessed against a bank and the bank compelled to pay.

Mr. LAGUARDIA. In the absence of the board exercising the discretion provided, it is assessed against the fund of the Federal Reserve Board?

Mr. McFADDEN. Oh, no; the gentleman is wrong. It is assessed against the bank.

Mr. LAGUARDIA. No; the provision provides in the amendment the expense of such examination may, in the discretion of the Federal Reserve Board, be assessed against the bank examined, and when so assessed shall be paid by the bank examined. Therefore that is the exception. That is, when the board exercises its discretion. Otherwise it remains plain that it is paid from the fund of the Federal Reserve Board.

Mr. McFADDEN. It is entirely under the direction of the board in that respect. The present law provides it shall be assessed against the banks.

Mr. LAGUARDIA. I can not understand that. It seems to me that a bank that can not stand the expense of an examination which the law requires is not much of a bank.

Mr. McFADDEN. This refers to a special examination.

Mr. LAGUARDIA. I think special examinations are very necessary every now and then. Nobody knows it better than the gentleman from Pennsylvania.

Mr. McFADDEN. It will coordinate the examination of banks, both between State and national banks and the Federal reserve system, if this is passed. I will say to the gentleman that this has been sought by the board for several years.

Mr. LAGUARDIA. What did the gentleman from Arkansas [Mr. WINGO] say about this?

Mr. McFADDEN. He is in favor of the passage of the bill. It is a unanimous report of the committee.

Mr. STAFFORD. As I understand, the purpose to be attained by the proposed legislation is investigations of State banks which are members of the Federal reserve system?

Mr. McFADDEN. Yes.

Mr. STAFFORD. This legislation affects only State banks which are members of the Federal reserve system. As a State bank they are required to have a State examination, but at the same time that the State examiners may be examining the bank it might be necessary to have national examiners examine the bank as to those functions of a Federal character. It is left discretionary to charge that amount for Federal examiners doing that special work and not require the Federal examiners to make detailed examination and charge the entire cost to the State bank.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the seventh paragraph of section 9 of the Federal reserve act, as amended (U. S. C., title 12, sec. 326), is further amended by striking out the last sentence thereof and inserting the following:

"The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined and, when so assessed, shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, and to any other proper persons."

SEC. 2. That section 5240, United States Revised Statutes, as amended by section 21 of the Federal reserve act, is further amended in the third paragraph thereof (U. S. C., title 12, sec. 483) by striking out the second sentence of such paragraph and inserting in lieu thereof the following:

"The expense of such examinations may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and, when so assessed, shall be paid by the banks examined."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PUBLIC MONEY DEPOSITED WITH STATE BANKS

The next business on the Consent Calendar was the bill (S. 486) to amend section 5153 of the Revised Statutes as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 5153 of the Revised Statutes, as amended (U. S. C., title 12, sec. 90), is amended by adding at the end thereof a new paragraph to read as follows:

"Any association may, upon the deposit with it of public money of a State or any political subdivision thereof, give security for the safekeeping and prompt payment of the money so deposited, of the same kind as is authorized by the law of the State in which such association is located in the case of other banking institutions in the State."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRUST POWERS, NATIONAL BANKS

The next business on the Consent Calendar was the bill (S. 3627) to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the law governing banks exercising such powers, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (k) of section 11 of the Federal reserve act (subsec. (k) of sec. 248, U. S. C., title 12), as amended, be further amended by adding at the end thereof a new paragraph reading as follows:

"Any national banking association desiring to surrender its right to exercise the powers granted under this subsection, in order to relieve itself from the necessity of complying with the requirements of this subsection, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Federal Reserve Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such a resolution the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private, or other appointments previously accepted under authority of this subsection, may, in its discretion, issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this subsection. Upon the issuance of such a certificate by the Federal Reserve Board such bank (1) shall no longer be subject to the provisions of this subsection or the regulations of the Federal Reserve Board made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this subsection without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this subsection. The Federal Reserve Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the powers granted therein."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I was never in favor of giving trust powers to national banks. The gentleman brought that about in one of the waves of amendment to the national banking law that have been made from time to time.

Mr. McFADDEN. I will say I was not responsible for this particular amendment to the present law that is referred to.

Mr. LAGUARDIA. Now, I see some of the banks want to surrender that right. Why not have them all surrender the right? The next thing you will have some of the national banks doing is to practice chiropody or something like that. You are trying to have them do everything else.

Mr. McFADDEN. Some of the banks are doing almost every line of business now. The gentleman is quite correct. I do not know that they have taken up chiropody, however.

Mr. LAGUARDIA. What is the purpose of this?

Mr. McFADDEN. The bill (S. 3627) proposes to amend section 11 (k) of the Federal reserve act so as to enable national banks to surrender voluntarily the right to exercise trust powers granted under the provisions of that subsection. This amendment would enable a national bank which had been granted authority to exercise trust powers but which is not exercising such powers to relieve itself of the necessity of complying with the provisions of section 11 (k) of the Federal reserve act and to obtain the return of securities which it may have deposited with State authorities for the protection of its private or court trusts.

Section 11 (k) of the Federal reserve act authorizes the Federal Reserve Board to permit national banks to exercise trust powers, and provides that banks exercising such powers shall maintain separate trust departments with separate records, and shall deposit securities with the State authorities for the protection of their trusts whenever the State law requires competing State institutions exercising trust powers to do so. It sometimes happens that a national bank which has received permission from the Federal Reserve Board to exercise trust powers decides not to exercise such powers and desires to be relieved of compliance with the provisions of section 11 (k) and to obtain the return of securities which may have been deposited with the State authorities. The law, however, provides no method by which a national bank may surrender its right to exercise trust powers, and in some instances the State authorities refuse to return to a national bank which is no longer exercising trust powers the securities deposited for the protection of its trusts. This results in inconvenience and in some cases in actual hardship on national banks and is a situation which should be remedied by an amendment to the law.

The sole object of the bill S. 3627 is to amend section 11(k) of the Federal reserve act so as to authorize a national bank which is not exercising trust powers to voluntarily surrender its right to exercise such powers. This bill provides that upon the surrender of its trust powers the national bank shall be relieved of the necessity of complying with the provisions of section 11(k) and shall be entitled to the return of any securities which may have been deposited with the State authorities for the protection of its trusts. The bill further provides that such national bank shall not thereafter exercise any trust powers under the provisions of section 11(k) without obtaining a new permit from the Federal Reserve Board. The procedure provided in the bill S. 3627 contemplates the issuance of a certificate by the Federal Reserve Board to the effect that the national bank is no longer authorized to exercise trust powers and the bill would require the board before issuing such

certificate to satisfy itself that the bank has been relieved in accordance with State law of any duties it may have assumed by accepting appointments as trustee, executor, or other fiduciary. This bill would make the issuance of such a certificate discretionary with the Federal Reserve Board so that the board in any case may require a national bank applying for surrender of its trust powers to take any other steps which the board may consider necessary for the protection of the public before issuing such a certificate.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. LAGUARDIA. I want to call the attention of every lawyer of the House to section (k) which the gentleman from Pennsylvania refers to. It seems almost impossible that any such provision should ever have been written into the law. It grants to a national bank power to act as trustee, executor, and administrator, registry of stocks and bonds, guardian of estates, assignee, receiver committee of lunatics, all to a national bank. The only thing you do not grant them is the right to practice medicine, as I said before. I can not understand how any such provision was ever written into the law.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. STAFFORD. A year or two ago the Supreme Court handed down a decision involving trust powers exercised by some bank in Massachusetts that had merged with another bank, in which, I believe, the court held the bank was not empowered to release itself of the fiduciary capacity that the other bank had assumed. What protection has the beneficiary in such case from the action of a bank in surrendering the trust powers? Assuming that a testator has named a bank as trustee of his will——

Mr. McFADDEN. But this only applies to banks that are not exercising this power. This is in accord with what the gentleman is arguing. It is to relieve those banks who do not want to do trust business, who have been exercising a trust power and their responsibilities have all been discharged, to permit them to get out of the business.

Mr. STAFFORD. Who have been. That is the very point—who now wish to be released of it. I ask the gentleman this question: Assuming that a testator has named a national bank as trustee, and the bank has entered upon the performance of its duty, where does the beneficiary of the trust come in as to the continuation of the discharge of those fiduciary duties?

Mr. LAGUARDIA. That is provided for in this language:

Upon receipt of such a resolution the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee—

And so on. It must first show that it has been relieved.

Mr. O'CONNOR of New York. It might be absolutely impossible to ascertain that fact. If a bank had been trustee for an estate, even a court order might not absolve it from some contingent liability.

Mr. McFADDEN. This is optional with the board, and the board certainly would not relieve a bank of its responsibility if there was any pending obligation.

Mr. O'CONNOR of New York. They may not be able to find it out. I wish the gentleman would answer this question: Why does a national bank which has never exercised this power or which, having exercised it, is not conducting any business under it, want to be relieved of it? What is the real practical purpose?

Mr. McFADDEN. There are certain requirements which they must continue to comply with in regard to reports, and so forth.

Mr. LAGUARDIA. I think what the gentleman from Pennsylvania means is this: If a bank has never exercised this right, it has nothing to withdraw; but if at one time it decided it would go into this business it had to make certain deposits; if it now decides it wants to get out of this business and attend to its legitimate banking business, then it must make a showing to the effect that it has been relieved of all obligations, and then it is permitted to withdraw the deposits.

Mr. STAFFORD. The purpose may be to permit a national bank to form a trust company and have the trust company act independently of the national bank.

Mr. O'CONNOR of New York. At any rate I hope the purpose is not to have them relieved of any possible liability, although it looks like that.

Mr. McFADDEN. No; that is not the purpose of this bill.

Mr. O'CONNOR of New York. Are there any banks asking for this?

Mr. McFADDEN. Yes. It is a problem of administration and operation of the Federal reserve system. I would like to say that 11 (k) of the Federal reserve act, which gives national banks the right to do a fiduciary business, is a permissive act. They have to get the permisison of the Federal Reserve Board before they can act. In the cases you gentlemen have been referring to, where a national bank has asked and received permission from the Federal Reserve Board, and for some reason or other it does not care to continue in that business, it merely by this act asks to be relieved of the responsibility of continuing in the trust business, but it is not intended that the Federal Reserve Board will release any bank from any obligation which any national bank may have had when it actually did go into the trust business.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. LAGUARDIA. The gentleman is the chairman of the committee which reported this bill. There is nothing in this bill which can be construed as relieving or is intended to relieve any corporate or individual liability which may exist by reason of any bank heretofore having acted in any of the capacities referred to in section 11 (k).

Mr. McFADDEN. The gentleman is quite correct.

Mr. O'CONNOR of New York. That is not necessarily so. You can assume many instances, but take this one: A testator names a national bank as his trustee; they accept the trust, we will say, for two generations, and then they want to relinquish it after he is dead. That has never been known in the banking law before. They can go out of that business and they can turn it back under this proposition.

Mr. McFADDEN. I will say that if there was an obligation there the bank would certainly not be relieved; that is, if it were relieved of the right to do a trust business the obligation would still lie against the bank.

Mr. LAGUARDIA. We can not relieve them of any liability or obligation.

Mr. PATTERSON. How many States are affected?

Mr. McFADDEN. All of the States are affected.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (k) of section 11 of the Federal reserve act (subsec. (k) of sec. 248, U. S. C., title 12), as amended, be further amended by adding at the end thereof a new paragraph reading as follows:

"Any national banking association desiring to surrender its right to exercise the powers granted under this subsection, in order to relieve itself from the necessity of complying with the requirements of this subsection, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Federal Reserve Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such a resolution, the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private, or other appointments previously accepted under authority of this subsection, may, in its discretion, issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this subsection. Upon the issuance of such a certificate by the Federal Reserve Board, such bank (1) shall no longer be subject to the provisions of this subsection or the regulations of the Federal Reserve Board made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State auhorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this subsection without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this subsection. The Federal Reserve Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the powers granted therein."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DIRECTORS OF FEDERAL RESERVE BANKS IN CLASS B

The next business on the Consent Calendar was the bill (S. 4079) to amend section 4 of the Federal reserve act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object, Mr. Speaker.

POLICING OF MILITARY ROADS NEAR THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 8140) to provide for the policing of military roads leading out of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA and Mr. SCHAFER of Wisconsin objected.

Mr. McSWAIN. Will the gentleman withhold his objection a moment?

Mr. LAGUARDIA. I would do almost anything for the gentleman, but this bill is so vicious that the more I look at it the more I want to object to it.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. MOORE of Virginia. Mr. Speaker, I would like to remind the gentleman from New York that this bill comes from the Committee on Military Affairs and I thought the gentleman was anxious that the bill should be considered in the regular way. I was informed, however, by the acting chairman of that committee that when the committee had its call it was the request of the gentleman from New York that it should not be brought up in that way.

Mr. LAGUARDIA. I want to fight it in every honorable, parliamentary way. Perhaps the gentleman can get the President to call an extra session for its consideration.

Mr. MOORE of Virginia. The gentleman is very facetious and sarcastic, according to custom.

Mr. LAGUARDIA. I am sorry.

Mr. QUIN. What bill is this?

Mr. MOORE of Virginia. It is a bill to police the roads in Arlington County that are in the exclusive jurisdiction of the Government and not under the jurisdiction of the State of Virginia. They run through Government land, and it was shown in the hearings that its policing can be done at an expense of $6,500.

Mr. QUIN. This was a unanimous report of the committee?

Mr. MOORE of Virginia. Yes; so far as I know.

OPERATION AND MAINTENANCE OF BATHING POOLS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4224) to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object——

Mr. ZIHLMAN. I will be pleased to give the gentleman any information about the bill I can.

Mr. COLLINS. I do not like the idea of selecting one concern and giving it this concession without advertisement.

Mr. ZIHLMAN. That is the purpose. This organization, with which the gentleman is familiar, the Welfare and Recreational Association of Public Buildings and Grounds, has been conducting the concessions in connection with places of public recreation.

Mr. COLLINS. But this bill designates one concern to take over these privileges? No bidding is provided.

Mr. ZIHLMAN. I think that is done by the director.

Mr. COLLINS. The concession for the golf courses was let without competitive bidding. I do not want that practice repeated again. Unless the gentleman is willing to rewrite the bill and permit it to be let under competitive conditions, I shall have to object.

Mr. ZIHLMAN. I will say to the gentleman it is my understanding that unless some such legislation is passed it will be impossible for these pools to open during the present season.

Mr. COLLINS. I doubt if any of these pools have any value anyway. I know that they breed disease and many doctors condemn them, and urge their patients to stay out of them.

Mr. ZIHLMAN. Of course, that is the gentleman's own idea and when he refers to the chairman of the committee, I may say we have nothing to do with this. This is under the direction of the Superintendent of Public Buildings and Grounds.

Mr. COLLINS. If the gentleman will accept an amendment permitting these pools to be let out upon competitive bidding I shall not object.

Mr. ZIHLMAN. I have no objection.

Mr. LAGUARDIA. Do not do that.

Mr. STAFFORD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. STAFFORD. By reason of the character of the facilities and the service to be given, I question whether it is not advisable to consider the personal equation as to who the concessionaire should be. We have certain bathing pools and the personal equation enters into the matter very directly. If the commissioners award this concession to a reputable person and provide that reasonable charges shall be made, I think that is sufficient so far as protecting the public welfare is concerned. The main thing is not the amount of money that can be obtained, but the service that can be given to those in the District who have not the advantages of bathing facilities.

Mr. COLLINS. The District can get proper service by requiring sufficient bond.

Mr. SIMMONS. Will the gentleman yield?

Mr. STAFFORD. The gentleman from Nebraska has much more acquaintance with conditions in the District of Columbia than I have.

Mr. COLLINS. I know something about them, too. I, along with the gentleman from Nebraska, have something to do with the District appropriations bill.

Mr. SIMMONS. Here is the difficulty with this whole set-up. They have set up a dummy corporation operating within the public buildings and parks made up, as I understand it, of officials under Colonel Grant, and that corporation, which is this so-called welfare corporation, contracts with the public buildings and parks officials. One official is a public buildings and parks official contracting with his own subordinates as officials of this welfare association to carry on these recreational activities. In turn, the profits, while spent for recreational activities supposedly, are not subject either to the check of the auditor or the check of the Budget Bureau or to the check of Congress in its expenditures, and, in turn, I am told that some very remarkable profits are being made by those to whom they grant concessions.

Mr. COLLINS. There is no doubt about that.

Mr. JOHNSON of Washington. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

ASHER CROSBY HINDS

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a ceremony that took place at Benton Falls, Me., the birthplace of Hon. Asher C. Hinds, for 16 years the parliamentarian of the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, on Thursday, May 29, 1930, a ceremony of more than passing interest to the Members of the House took place at Benton Falls, Me., the birthplace of Hon. Asher C. Hinds, for 16 years parliamentarian of the House, the author of Hinds' Precedents, and a distinguished Member of the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses.

Recently in refurnishing the school in which Asher Hinds received his early education, the desk at which he studied as a boy was discovered and identified by his name in his own handwriting. As a tribute to the memory of this honored alumnus of the school it was decided to permanently preserve the desk to be designated by an appropriate marker.

I ask unanimous consent to place in the RECORD my remarks read as part of the ceremonies on the occasion of the unveiling of the memorial.

Mr. Chairman, it is most appropriate that the native city of Asher Crosby Hinds should place a tablet on the desk he used as a student in its public school and should permanently preserve this appealing relic of his boyhood as a memorial to his achievements and to the high place he occupied in the regard of his fellow citizens and the service of his country.

The richest heritage of a community lies not in the wealth of its material resources, the architecture and beauty of its buildings, or the extent of its boundaries and population but in the treasured memories of those who, reared within its homes and schools, the product of its moral and educational institutions, have risen to greatness and brought honor and renown to the city and its citizenship.

Any people which does not remember its great men and commemorate their virtues and their deeds does not deserve to produce men entitled to remembrance or deeds and virtues worthy of commemoration. And Benton, in honoring its distinguished citizen, Asher Crosby Hinds, honors itself and emphasizes those qualities of mind and heart to which the youth of to-morrow must aspire if they would emulate his illustrious example.

But, as fitting as this ceremony is, it can not limit the fame and citizenship of the boy who once sat at this desk preparing for his life's work to the geographical confines of this city. Asher Hinds belongs

not only to Benton but to Maine and to the country at large. He went from this desk to the service of a nation. How incomparably he discharged the duties of that service is written through a period of more than two decades in the records and enactments of the greatest legislative body of the world.

With unerring precision and inspired vision he codified, for the first time since Jefferson, the parliamentary practice and procedure of the national Congress. His great work on the parliamentary law of the House and Senate will remain for all time a monument in the field of parliamentary jurisprudence unapproached by contemporary authors and without a peer in parliamentary literature. His election to Congress from a district which has sent to the National House of Representatives many noted men would have been but the beginning of a still more notable career but for his untimely death while still at an age when he should have been in the prime of his extraordinary powers and at the zenith of his usefulness.

It is the glory of this city that it has produced a man of such attainments. His keenly analytical mind with its orderly and logical processes was trained in this school. His thoroughness and efficiency and the capacity for indefatigable labor, which contributed so materially to his success, were developed at this desk. And the nobility of character which distinguished his work, however trivial or however important, and won for him the friendship and regard of the great men of his country irrespective of party or section or creed, had its inception here under the environment and influence of the schools and churches and civic ideals of this community. His life and career constitute the highest encomium that could be written for any city.

What he accomplished any youth of this city may hope to accomplish. What he achieved any student of this school may aspire to achieve. And this marker placed here to-day by a loyal and appreciative constituency is a reminder not merely of momentous historical events. It is the visible token of a priceless heritage. It is a signpost to guide those who are to follow through all the years to come. There will never be another Asher Hinds. He can have no counterpart. But he will live again in the lives and deeds of those who, profiting by his example, emulate the ideals and service which this marker commemorates. [Applause.]

CONTRIBUTION OF THE UNITED STATES TO THE EXPENSE OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11194) to determine the contribution of the United States to the expense of the District of Columbia, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SIMMONS. I object.

AMENDING SECTION 16 OF THE RADIO ACT OF 1927

The next business on the Consent Calendar was the bill (H. R. 12599) to amend section 16 of the radio act of 1927.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I would like to ask some member of the committee if the bill does any more than to provide for the change in the procedure of appeal?

Mr. DAVIS. It does not; it is identical with a provision in the bill that we have unanimously passed through the House, but it is now pending in the other body.

Mr. LEHLBACH. We passed some weeks ago a bill amending in various particulars 11 sections of the radio act. That bill passed the House unanimously. It is now in the Senate, and it is impossible to reach it.

Now, with respect to regulating appeals, changing the procedure with respect to appeals, I have for that reason introduced this bill with the hope that if it can be reached and passed, as I hope it will be, the Senate can agree to it by unanimous consent.

Mr. LAGUARDIA. And there is no controversy about this provision?

Mr. LEHLBACH. No; except this: Some people who are interested in appeals that have been already filed felt that this might be construed as restricting their rights or interfering with their rights, and so I have agreed to introduce the following amendment. After the bill to strike out the period and insert a colon and the following:

Provided, however, That this section shall not relate to or affect bills which were filed in said court of appeals prior to the enactment of this amendment.

Which is perfectly fair, and would be the construction I think without the amendment.

Mr. SCHAFER of Wisconsin. There is nothing in this bill which, directly or indirectly, authorizes a transfer of the powers of the Department of Commerce?

Mr. LEHLBACH. No; it merely clarifies the procedure and defines the exact jurisdiction of the court with respect to the subject matter involved in the appeal.

Mr. LAGUARDIA. It is a part of the bill that has already passed the House?

Mr. LEHLBACH. Yes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. CHINDBLOM. As I recall it the present law provides that the Court of Appeals for the District of Columbia, in hearing a case brought by appeal from the Radio Commission, may hear evidence de novo in addition to the record brought up from the Radio Commission.

Mr. LEHLBACH. That was not the intention of the act but that was the construction, and this bill eliminates it.

Mr. CHINDBLOM. I am glad the committee has seen fit to do that because the result of the present law has been that the court has substituted its finding of facts for the findings of the commission.

Mr. JOHNSON of Washington. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 16 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

"(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

"(2) By any licensee whose license is revoked, modified, or suspended by the commission.

"(3) By any other person, firm, or corporation aggrieved or whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying, or suspending an existing station license.

"Such appeal shall be taken by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the commission. Unless a later date is specified by the commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the commission in the city of Washington.

"(b) The commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person, firm, or corporation shown by the records of the commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person, firm, or corporation to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the commission in the city of Washington. Within 30 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved or upon its order revoking, modifying, or suspending a license, and also a like copy of its decision thereon, and shall within 30 days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons, firms, or corporations to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(c) Within 30 days after the filing of said appeal any interested person, firm, or corporation may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the commission. Any person, firm, or corporation who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the commission complained of shall be considered an interested party.

"(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious.

The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

"(e) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof."

Mr. LEHLBACH. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

At the end of the bill strike out the period and insert a colon and the following language:

"*Provided, however,* That this section shall not relate to or affect appeals which were filed in said court of appeals prior to the enactment of this amendment."

Mr. LAGUARDIA. Mr. Speaker, I take the floor to suggest that on Consent Calendar day we must have some discussion, some interchange of views within a reasonable limit.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MOORE of Virginia. The gentleman a while ago declined to have any interchange of opinion on a bill in which I was interested.

Mr. LAGUARDIA. The gentleman is quite right.

Mr. MOORE of Virginia. I suggest that we at least limit the talk of the gentleman from New York, which occupies a great part of the time.

Mr. LAGUARDIA. If the gentleman is going to demand the regular order when we are trying to arrive at a conclusion on a bill, it is not right.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield to me?

Mr. LAGUARDIA. Yes; because I refer to the gentleman.

Mr. JOHNSON of Washington. When a proposition is completely stated once around, it seems to me to be entirely unnecessary to state it all the way around once more, and that is the reason, and the only reason, I ask for the regular order, and under similar circumstances shall continue to do so.

Mr. STAFFORD. The gentleman does not believe in having a merry-go-round.

Mr. JOHNSON of Washington. No.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker and Members of the House, I am much gratified by the passage of this bill to amend—in fact, rewrite—the appeal section of the present radio act. It is not only in the interest of the public, but in the interest of orderly procedure. I never did like the language of section 16 of the radio act. When the bill culminating in that act was being considered, I criticized the appeal provision both in the committee and in the House. I insisted that the provision was ambiguous and would prove unsatisfactory and ineffective. In my minority views filed on said bill in the Sixty-ninth Congress, in discussing the appeal provision, which the bill we have just passed supplants, I declared that "the opportunity for a review is a shadowy one, indeed."

In suggesting a number of amendments to the pending bill in said minority views, I stated with respect to the appeal provision:

I further suggest that any person in interest feeling aggrieved should have the right of appeal from the action of the commission to the Court of Appeals of the District of Columbia or some other Federal court, and that such court have the right of review of the questions at law, but that the findings of fact of the commission shall be conclusive.

Under its interpretation of the appeal provision in the existing law the Court of Appeals of the District of Columbia assumed to perform the function of a superradio commission, substituting its judgment and discretion for that of the Federal Radio Commission. The Supreme Court upheld the court of appeals in this interpretation, and also held that the judgment of the court of appeals was final, as the appeal provision in the law had in effect made an administrative body of the court of appeals, instead of granting appeals from the Radio Commission to the court of appeals as an appellate court, so that the Supreme Court was not given jurisdiction of such appeals, and the Supreme Court would not grant a writ of certiorari to bring such a case before the Supreme Court.

The bill just passed is substantially in accord with my views and suggestions made over four years ago, when the matter was then under consideration. My position then has been fully vindicated. You know it is sometimes gratifying to be able to say, "I told you so."

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF MISSOURI

The next business on the Consent Calendar was the bill (H. R. 12347) to provide for the appointment of an additional district judge for the eastern district of Missouri.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, I see there is no recommendation here in connection with this report from the Attorney General or from the conference of senior judges. I do not believe there is any necessity for an additional judge or there would be such reports from both.

Mr. PALMER. Mr. Speaker, the report is already on file, the report of the Attorney General for 1929, which shows that there were pending at the close of business on June 30, 1929, 120 civil cases, 278 criminal cases, and 396 bankruptcy cases, and that during the period from June 30, 1928, to June 30, 1929, 1,119 criminal cases were commenced, and 1,097 were terminated. There is evidently a great demand for relief of such a congested condition.

Mr. GREENWOOD. That does not leave any more unfinished criminal cases than in the average district court. If there were sufficient reason for an additional judge, at least the recommendation of the Attorney General and the conference of judges would be here to say so. I ask unanimous consent that the bill be passed over without prejudice.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. GREENWOOD. Yes.

Mr. PALMER. If there is any necessity for a new judge anywhere, it is in this district.

Mr. COCHRAN of Missouri. I call the attention of the House to this report. It gives us some information as to law enforcement in a large city. The report shows, and this district includes the city of St. Louis and about 50 counties in Missouri, that there were 1,119 criminal cases before that court in one year, and 1,097 were terminated. I state this to bring out the fact that that shows beyond any question of doubt that the violators of the laws of the country are being prosecuted in the large cities of the country.

Mr. GREENWOOD. I think that shows that there are no more criminal cases disposed of than in the average district court.

Mr. COCHRAN of Missouri. We have two wonderful judges in St. Louis—Judge Faris and Judge Davis—men who work hard, night and day.

My colleague, Mr. DYER, the author of the bill, no doubt can give you what information has been sent to him about the necessity for the additional judge. The report of the Attorney General clearly indicates how the work of the court is handled. I know Judge Faris and Judge Davis work mighty hard. No better judges can be found on the Federal bench.

The gentleman from West Virginia [Mr. BACHMANN], who as a member of the Judiciary Committee made the investigation as to the conditions of the docket in the various Federal courts, tells me the department communicated with the senior circuit judge of the eighth circuit, Judge Stone, and in response he reported that an additional judge to serve in both the eastern and western districts of Missouri was needed, or words to that effect. If Judge Stone, who is my personal friend, made such a recommendation, and I am sure he did from what Mr. BACHMANN says, I know the judge must be needed. I was in Judge Stone's company several times when he was here last fall for the meeting of the senior circuit judges, but this question was not discussed then because no bill had been introduced.

So far as I know, no one has been denied a trial in St. Louis due to the congestion of the docket, or at least I have heard no complaints; but this condition can be attributed to the hard work of the two judges now sitting in the eastern district. The gentleman from Indiana [Mr. GREENWOOD] says he would not object to the bill if it provided for one judge to alternate between the eastern and western districts of Missouri. I can not speak for my colleague, but no doubt he will discuss the matter with the gentleman.

Mr PALMER. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. PALMER. This is recommended favorably by the committee pursuant to the recommendation of the Enforcement

Commission. There is evidently adequate demand for this measure.

Mr. GREENWOOD. The statement the gentleman himself read shows that almost as many criminal cases were disposed of as were filed. There are no more criminal cases pending there unfinished than in the average district court.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana that the bill be passed over without prejudice?

There was no objection.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF MICHIGAN

The next business on the Consent Calendar was the bill (H. R 12350) to provide for the appointment of an additional district judge for the eastern district of Michigan.

The Clerk read the title of the bill?

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I see the distinguished gentleman from Michigan [Mr. MICHENER], who represents the district adjoining the city of Detroit, and I wish him to explain the need for this additional judge. I believe there are three district judges there at the present time.

Mr. MICHENER. That is true.

Mr. STAFFORD. In view of the industrial depression, particularly in the automobile industry, and the absolute cessation of business in some of the great motor industries, which naturally affects the court business of the eastern district of Michigan, particularly arising out of patents, what is the need for an additional judge? Perhaps when the committee recommended this bill with the prospect that business was on the upgrade and that the automobile industry would be as flourishing as years ago, they were justified in reporting this bill, in anticipation of the regular increment of work, but now, as the court work reflects business conditions, I would like to have the gentleman's opinion as to its present need.

Mr. MICHENER. Mr. Speaker, the gentleman is in error as to the work of the court reflecting prosperity. The rule generally is that there is more court business in hard times than in good times.

Mr. STAFFORD. That is true so far as losses from fire are concerned and bankruptcy, but as to business generally it is not so.

Mr. MICHENER. Litigation is usually heavier in United States district courts in hard times than in good times. The only explanation I can give the gentleman is included in the report. We have three judges there. The work is one year and a little better behind in criminal cases and in civil cases two years behind. No civil case can go to trial in the eastern district of Michigan which has not been on the calendar for two years. Not a single criminal case can be brought to trial which has not been on the calendar for at least one year. Now, if we are to relieve the congestion——

Mr. CRAMTON rose.

Mr. STAFFORD. I see the gentleman's colleague from Michigan rising. If there are cases requiring particularly early treatment from the Mount Clemens jurisdiction——

Mr. MICHENER. This bill provides for one additional judge for the eastern district of Michigan. The population of this district in 1920 was 2,456,743, and the pending census will undoubtedly show a population of well over 3,000,000 inhabitants. There are at present three judges in this district. No fault can be found in this district with the hours worked by the judges or with the length of vacations taken by the judges. The judges in few, if any, districts in the country devote more time and work harder to keep up the calendars than do the judges in the eastern district of Michigan.

The business of the Federal court in this district is constantly increasing. In this district is centered the great automobile industry of the country, which necessarily brings much work to this court. In addition, there is admiralty work because more tonnage passes through the Detroit River than through any one given point in the world. The proximity to the Canadian border brings many prohibition cases to this court, and a great city like Detroit, with its great industries, inherently is a source of much litigation which must be disposed of in the Federal court.

At the close of the fiscal year of June 30, 1928, there were pending in this district 468 United States civil cases; 1,241 cases were commenced during the year, and at the close of the year, June 30, 1929, 659 cases were pending. Criminal prosecutions pending on June 30, 1928, were 379, while criminal prosecutions pending at the close of June 30, 1929, were 410. In private litigation pending at the close of June 30, 1928, there were 529 cases, and at the close of June 30, 1929, there were 508 cases. At the close of the fiscal year 1928 there were pending 884 bankruptcy cases, and at the close of the fiscal year 1929 there were pending 761 bankruptcy cases.

Representative BACHMANN, of West Virginia, and a member of the Judiciary Committee, has within the last few weeks made a careful study of all of the judicial districts throughout the United States for the purpose of determining where real congestion in the courts exists, and where additional Federal judges are necessary to relieve this congestion. On April 22, 1930, Mr. BACHMANN presented to the House the result of his study, and his conclusions are found in the CONGRESSIONAL RECORD of that date. At the request of Mr. BACHMANN, the Department of Justice made inquiry from the presiding circuit judges of the several circuits, and photostatic copies of the replies of the presiding judges of the circuits were furnished to the Judiciary Committee. In answer to the inquiry asking for conditions in the eastern district of Michigan, the presiding circuit judge, Hon. Arthur C. Denison, wired the Department of Justice as follows:

> There is probably no escape from asking another judge at Detroit, where congestion is getting worse.

In the opinion of the committee, the congestion in the eastern district of Michigan requires one additional judge.

The senior judge in the eastern district has wired as follows:

> In my opinion, criminal calendar is in arrears for one year and civil calendar two years. Regular court hours are six hours a day; we often hold court for longer than these regular hours. We try to get 1 month vacation each year, but in 19 years I have been able to take only 3 real vacations—1 for 2 months and the other 2 for 1 month. Many patent cases are begun in other districts which could and should be brought here if we had more judges. I am confident that 2 judges could work hard with patent cases alone, 2 judges with criminal cases alone, and 1 judge with civil-law cases alone. We need more than one additional judge, and no one familiar with the situation would question the need of at least one in order to give litigants the service to which they are entitled.

Mr. STAFFORD. All the bills for additional New York judges were objected to.

Mr. MICHENER. This is not a personal matter with me.

Mr. STAFFORD. As I read the report, the judges there have kept up with the current business.

I notice there were 283 private suits begun and 317 terminated. However, there are 520 cases pending. I am a believer in not having litigation held up for years and years; and, although I think the three judges can take care of the current business, and more and more on account of the present business depression, yet I think there would be no injustice done in having another judge, and so I withdraw my objection.

Mr. SCHAFER of Wisconsin. The report shows there are a great many pending cases by reason of the Federal prohibition laws. The committee report says:

> The business of the Federal court in this district is constantly increasing. In this district is centered the great automobile industry of the country, which necessarily brings much work to this court. In addition, there is admiralty work because more tonnage passes through the Detroit River than through any one given point in the world. The proximity to the Canadian border brings many prohibition cases to this court, and a great city like Detroit with its great industries, inherently is a source of much litigation which must be disposed of in the Federal court.

Each day we have legislation creating and imposing new and extraordinary tax burdens on the American people by reason of the sumptuary Federal prohibition laws. I shall not object to the consideration of this bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Michigan.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ASSAY OFFICE AT DAHLONEGA, GA.

The next business on the Consent Calendar was the bill (H. R. 6998) to establish an assay office at Dahlonega, Lumpkin County, Ga.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ARENTZ. Mr. Speaker, the gentleman from Georgia [Mr. BELL] would like to say a few words about the bill.

Mr. JENKINS. I will withdraw my objection in order to give the gentleman from Georgia an opportunity.

Mr. LAGUARDIA. Mr. Speaker, I reserve an objection.

Mr. ARENTZ. I hope gentlemen will withhold their objections and give the gentleman from Georgia an opportunity.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia be permitted to address the House for five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BELL. Mr. Speaker and Members of the House, the bill introduced is for the purpose of establishing an assay office at Dahlonega, Ga.

In 1835 there was a mint established at Dahlonega, and it was one of the first in the United States. In 1861, just prior to the Civil War, this mint was burned. Just before the war there was about $17,000,000 worth of gold taken out of the properties in and around Dahlonega. The Civil War came on and activities, of course, ceased. Our section of the country, as a matter of course, was in devastation and ruin. The people had to resort to farming in order to make a livelihood. Gold mining, as a matter of course, ceased for a number of years after the Civil War. After that, activities began again, and a large amount of gold was taken out of the lands and properties in that section of the country. Later, the Spanish-American War broke out and that stopped activities in gold mining in and around Dahlonega, but recently there has been a great deal of gold taken out of the properties in this section. In one week in February there were 10 pounds of gold taken out of one mine in Lumpkin County. The following week a Canadian company took out 4½ pounds of gold. It is hoped that this bill will pass for the reason that it will encourage the individual miners in that country.

Mr. CABLE. Will the gentleman yield?

Mr. BELL. I yield.

Mr. CABLE. Could the gentleman tell us about how much it would cost per year to maintain this office?

Mr. BELL. I think it will cost less than $10,000 a year; that is, for the equipment.

Mr. CABLE. Is it not a fact that the so-called miners of Georgia could send their ore to New Orleans and have the samples assayed?

Mr. BELL. They have to do it.

Mr. CABLE. They can do that now?

Mr. BELL. They can by paying the transportation, which almost precludes the individual miners from sending ore to New Orleans.

Mr. ARENTZ. Will the gentleman yield?

Mr. BELL. I yield.

Mr. ARENTZ. We have assay offices in Carson City, Nev., Boise, Idaho, and Helena, Mont., and I think the gentleman on the Appropriations Committee, although I will not name him, is responsible for cutting the assay offices out of the appropriation bill, but they were inserted in the Senate. This assay office, contrary to what the gentleman from Georgia expects, will only take care of bullion and matt and things of that sort that are sent in. It will not take care of the individual assays. By that I mean, if a prospector picks up a rock and thinks it carries gold and sends it to the assay office, the Government assay officers will not analyze the individual samples and tell the prospector how much gold there is in the rock. The purpose of the assay office is not for that service. It simply analyzes bullion, the gold or silver that is in it; but as far as the assays which individuals send to the office are concerned, those must in turn be sent to a commercial chemist or assayer who, for a dollar, or a dollar and a half, or two dollars, up to five dollars, makes an analysis. But this Government assay office does not do that work. If the gentleman thinks by the establishment of that office in Georgia it will help the individual prospector who finds a sample on the ground and would like to find out whether it carries gold or silver, he is going to find himself without any help, because the assay office will not do that.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. BELL. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ARENTZ. Of course, the gentleman can word his bill different from the bill establishing the assay offices at Helena, Salt Lake City, and the other points in the West, but according to the wording of this bill, the work which the gentleman expects to be done will not be done.

Mr. BELL. I got my information from the Director of the Mint, who told me that the assays could be made and would be made there for gold or any other kind of ore, but that as a matter of course they would have to charge the prospector about a dollar for each assay; but they have to pay that now, as well as for the transportation of the ore.

Mr. ARENTZ. The transportation amounts to sending less than a quarter of a pound. That can be sent by parcel post for 2 cents or 4 cents down to New Orleans. That is all the sample that is required. You do not need to send 500 pounds or 10 pounds or even 1 pound.

Mr. GREEN. Does the gentleman want the assay offices discontinued in his section of the country?

Mr. ARENTZ. I will say that if the gentleman can establish an assay office to do the work that they think will be done, I should be for it.

Mr. GREEN. Are your offices doing it?

Mr. ARENTZ. No.

Mr. GREEN. Why not discontinue them, then?

Mr. ARENTZ. As I understand it, they are cutting them all out. I would like to see them all retained.

The SPEAKER pro tempore. The time of the gentleman from Georgia has again expired.

Mr. BELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks as I desire to print in the RECORD some letters bearing upon the establishment of an assay office at Dahlonega, Ga. One letter from Dr. Craig Arnold, of Dahlonega, who is a practical miner and who has had 40 years' experience in gold mining in Mexico and in Georgia. Also a letter from Dr. Garland Peyton, director School of Mines at Dahlonega, to Hon. T. F. Christian, a prominent banker and business man in that section of Georgia, who also has had considerable experience in gold mining. I desire also to include a letter from Mr. Frank K. Gardner, of New York City. I shall include a letter from Mr. D. W. Thornton. This assay office should be established and, I believe, will be.

DAHLONEGA, GA., *April 1½, 1930.*

Hon. THOS. M. BELL, M. C.,
Washington, D. C.

SIR: You have requested me to give you an estimate of the probable amount of ores contained in this Appalachian system, and the approximate value thereof.

Gold ores are found from Hog Mountain in eastern Alabama at the extreme southern limit of this Appalachian Range to the Rincon Mountains in Nova Scotia northern range where it dips under the St. Lawrence Bay and outcrops again in that portion of Canada known as Quebec, where recent discoveries have opened up some of the richest mines found in America.

The width varies up to 10 miles although in places it exceeds this both in Georgia and North Carolina.

If we assume it to be limited to only 500 miles in length and only 1 mile in width, and allowing for 15 cubic feet to represent 1 ton, we have the enormous amount of 100,000,000 tons for every foot depth.

It is well known that the many millions so far recovered from this area have been limited to placer gold with the surface barely scratched, the deepest vertical shaft to my personal knowledge being less than 100 feet. We are without information as to the extent of the real depth to which these ores will go.

From my personal study of these deposits, based on my engineering training and living in this field for the past 30 years, I can positively affirm that the depth of these ore bodies will never be reached with any means in control of man.

It is not a question of the enormous tonnage beneath us, it has now resolved into the average value per ton, and it is this question alone that confronts us.

While many of these richer veins permeating the large ore bodies will assay into the thousands of dollars per ton, we are more interested in those ore bodies that run into the dollars per ton, and I state without fear of contradiction that $5 per ton will be found to be a fair and conservative estimate of these sulphide ores.

In spite of the conservatism of these estimates we must have at least half a billion dollars for each foot in depth, and it is for this object that the world at large will welcome the establishment of an assay office under governmental regulations that accurate values may be obtained.

Yours truly,

CRAIG R. ARNOLD.

NEW YORK, *April 5, 1930.*

Hon. THOMAS M. BELL,
House of Representatives, Washington, D. C.

DEAR SIR: I understood from Dr. C. R. Arnold, of Dahlonega, Ga., that you might be interested in an expression of opinion from me as to the situation with reference to the development of the Dahlonega section of the Appalachian gold deposits.

I was in and around Dahlonega from 1922 until 1926, working all the time on these gold deposits, and I think, probably, I know as much of their character and of their possibilities as anyone in the United States.

Unquestionably Dahlonega is the center of the most extensive deposits of low-grade gold ore in this country and probably in the world.

Records, of course, show that a great deal of gold has been taken out of Lumpkin County, and whether the low estimate of something like $15,000,000 or the high estimate of $30,000,000 or $40,000,000 represents the true total, either amount is indicative of the immense total values yet remaining, for it is well known that only a small part of the surface of the district has been mined and there has been no deep mining whatsoever.

I made a failure of my efforts in Georgia, due to lack of capital and to the fact that I was not able to save the fine float gold that was carried away by the colloidal or "muddy" character of the surface deposits.

Since leaving Georgia in 1926, I have met with considerable success, and would be, I think, in a position to finance any undertaking that had a reasonable certainty of making money. Feeling that sooner or later this region would be an extensive gold-mining camp, I have, within the past year, spent time and a considerable amount of money in working out a metallurgical problem with reference to the gold recovery from the Dahlonega deposits.

I am now quite satisfied that I can save the gold that I formerly lost, and if this can be done there is no question as to the profits to be made from certain well-organized and well-managed mining operations in and around Dahlonega. It is my intention, therefore, to reenter this field as soon as possible.

I understand that you are interested in establishing a Government assay office at Dahlonega. This, I think, should be done. It perhaps does not mean a great deal to me personally, for I have my own laboratories, but at the same time it would, if and when I go to Georgia, be a decided help to me.

I do not expect, however, to develop the whole Dahlonega field, and if it is developed, as it deserves to be, then this assay office would be a most decided asset in opening up the territory.

The gold fields of Georgia are worth every consideration, and I think that this assay office could be used most advantageously and would be of great value to the work that must inevitably, sooner or later, be done.

Very truly yours,

FRANK K. GARDNER.

NEW YORK CITY, N. Y., *April 8, 1930.*

Hon. THOMAS M. BELL, M. C.,
Washington, D. C.

DEAR SIR: May I be permitted a brief expression in re bill H. R. 6998, to establish an assay office at Dahlonega, Ga.

I have been interested in the possibilities of the recovery of gold and other mineral products in this locality since 1921. I believe I am fairly familiar with local conditions, the economic resources of the citizens, and the difficulties under which they labor in order to properly develop their holdings, or to adequately present the facts to the capitalistic world outside, and the tremendous wealth of undeveloped minerals contained in the gold-bearing strips that run through the States of Georgia and the Carolinas.

I do not hesitate to say—and this is based on nine years of close connection with the above-named districts—that I know of no place where capital can be invested to better advantage in mining than in the above-named areas. Like the petroleum-bearing areas of the western Pennsylvania system, the southeastern mining fields have been passed by in the rush for western fields, and as in the case of the Pennsylvania oil fields, greater returns for capital invested are lying, figuratively speaking, under our noses.

The establishment of an assay office in Dahlonega will stimulate the local mining industry and enable the small producers of gold to realize to the full the results of their labor, and these people sorely need all they can earn. It will be the means of establishing values on properties that the owners have not the ability or the resources to do under existing conditions. I believe that Dahlonega is the logical place for this office to be established, and that the beneficial results obtained therefrom will later lead to the establishment of another in the Carolinas.

My experience dates from 1902, about 20 years of this being spent in the service of British oil companies, working under the personal supervision of and in connection with such men as Sir Boverton Redwood, E. H. C. Craig, G. W. Halse, B. F. N. Macrorie, A. C. Carmody, and others, supplemented by special courses at Edinburgh, my work being the prelocation of petroleum before drilling.

The passage of the above bill will not in any way benefit me personally in a pecuniary way, but should be of immense benefit to the Southeastern States and the country at large.

Congratulating you on the introduction of so useful a measure, and hoping for its passage, I am,

Respectfully yours,

D. W. THORNTON.

DAHLONEGA, GA., *April 5, 1928.*

Mr. T. F. CHRISTIAN,
Dahlonega, Ga.

DEAR SIR: I wish to avail myself of this opportunity to express to you my willingness to cooperate with you in urging the enactment of the legislation necessary to the establishment of a Federal assay office at Dahlonega.

Being a mining engineer, and having held the position of director of the only school of mines in the State for the past 10 years, I have been in a position to appreciate, probably better than anyone else, just how much an institution such as this would mean to this section of the country.

Although Georgia and other Southern States are known to possess great mineral wealth, very little has been done to exploit and develop these resources. This is due largely, no doubt, to the fact that the people who constituted the first white population in these States were agriculturists and knew nothing about minerals and mining.

A Federal assay office at Dahlonega would not only enable the landowners to determine, definitely, the existence and value of the economically important minerals on their lands, but it would also prove beneficial by helping to stimulate a greater interest among the young men of the South in the study of the development and marketing of these minerals.

I am, very truly yours,

GARLAND PEYTON,
Director School of Mines, Dahlonega, Ga.

Mr. BELL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LaGUARDIA. I withdraw my reservation of objection for that purpose.

Mr. JENKINS. I withdraw my reservation of objection.

DIVISION OF JUDICIAL DISTRICTS, STATE OF WEST VIRGINIA

The next business on the Consent Calendar was the bill (H. R. 12095) to amend section 113 of the Judicial Code, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to be certain whether this bill involves the holding of court at any places where court is not now held?

Mr. BACHMANN. I will say to the gentleman from Michigan that under the bill as it is drawn now, all places of holding court at the present time will be included in the new arrangement, but there is an amendment which the gentleman from West Virginia [Mr. WOLVERTON] expects to offer, transferring one of the counties, which will permit the holding of court at Weston, where there is a county courthouse. Court can be held there without any additional expense to the Government, so I am informed.

Mr. CRAMTON. That is, there is a Federal court room.

Mr. BACHMANN. No; but provision has already been made for the erection of a building at Weston, and court can be held in the courthouse until that is completed.

Mr. CRAMTON. The deficiency bill which has just gone through carries an appropriation for a public building at that place without a court room included?

Mr. BACHMANN. I will have to yield to the gentleman from West Virginia [Mr. WOLVERTON] on that. All I know is that provision has been made to build a building at Weston.

Mr. CRAMTON. It would cost twice as much to build a building with a court room included as it would to build a post-office building. That is the reason I am interested.

Mr. WOLVERTON of West Virginia. I will say to the gentleman from Michigan that it was my intention to object to this bill. However, upon a rather thorough investigation, I am of the opinion that West Virginia needs this legislation at this time. My objection would have been lodged against the bill because of the allocation of the counties. My congressional district, I believe, is more affected than any other part of the State by this proposed legislation, but the gentleman from West Virginia [Mr. BACHMANN] has agreed to an amendment, and his agreement has removed my objection to this proposed legislation.

Mr. CRAMTON. If the gentleman will permit, here is what I am interested in: We have recently been considering appropriations for public buildings in the Committee on Appropriations. We have found that in many instances we have had to provide court-room space at a very high cost in towns where Federal court is only held two or three weeks in a year. It costs as much to provide a court room as it costs to erect a post-office building, and in cases where they only hold Federal court a few weeks in the year that does not seem wise. If we allow this legislation to pass and the law provides for the holding of court then there is nothing that our committee or the House can do but make the appropriation; hence, before

this bill passes I would like to know definitely what it is going to cost us in new court-room facilities.

Mr. WOLVERTON of West Virginia. I will say that in the county in which we seek to establish a court, where a court does not now exist under the old law, we have a very excellent county courthouse where the circuit court is held. This courthouse will accommodate the business of the proposed new Federal court. There is an appropriation provided in the second deficiency bill of $150,000 to build a post-office building in the town of Weston.

Mr. CRAMTON. Does that appropriation have any reference at all to the creation of a court room?

Mr. WOLVERTON of West Virginia. It has nothing to do with the construction of a courthouse or the creation of a court room.

Mr. BACHMANN. I want to say to the gentleman from Michigan that I was very careful when I introduced this bill. I would not have introduced this bill if we had not had sufficient places to hold court and in the same places where we are now holding them, because I would not come on the floor of this House and advocate the passage of this bill if it later meant the building of additional courthouses, because we do not need additional courthouses at this time in which to hold Federal court in West Virginia. I had that in mind when this bill was drawn.

Mr. CRAMTON. The appropriation which has gone through for a post-office building at Weston, according to the statement of the gentleman from West Virginia [Mr. WOLVERTON], says nothing about a courthouse, and if this legislation should go through with the amendment suggested then about next winter there will be a request to raise the limit from $150,000 to $250,000 in order to provide space for the holding of Federal court.

Mr. BACHMANN. I will say to the gentleman from Michigan that as one Member of this delegation I shall oppose any movement of that kind, because it is not needed at this particular time. It is not necessary to build a courthouse in West Virginia for the purpose of holding Federal court.

Mr. CRAMTON. But if a courthouse building is ordered to be built there, then our committee is up against it. If the law orders a courthouse building to be erected at a place where court is only held a week or 10 days in the year, what are you going to do about it? The time to stop that is before a bill passes ordering court to be held there. I feel that to-day I would have to object to a bill going through that provided a new place for holding court, until we can investigate it a little further.

Mr. BACHMANN. This bill as it is now drawn, and without any amendment, does not create any additional expense in the way the gentleman refers to.

Mr. CRAMTON. But if consent is given, then the amendment suggested would be offered. How large a place is Weston and how much court would ever be held there?

Mr. WOLVERTON of West Virginia. Weston is a city of about 7,000 people. It is developing very rapidly, and I think the increase in population in the last 10 years has been about 2,000.

Mr. CRAMTON. How far is it from the nearest place where Federal court is held?

Mr. WOLVERTON of West Virginia. It is about 25 miles.

Mr. CRAMTON. Well, with automobiles, there is no occasion——

Mr. WOLVERTON of West Virginia. But the place nearest Weston where Federal court is held is in the northern district of the State, and under this bill Weston will be in the western district.

Mr. CRAMTON. Then how far will it be in the western district from a place where court is held?

Mr. WOLVERTON of West Virginia. About 60 miles.

Mr. CRAMTON. Why should it not be left in the district where it would be only 25 miles away?

Mr. WOLVERTON of West Virginia. It would not be a proper allocation of the counties. We are taking out of the proposed western district Harrison County, which is the chief county in my congressional district, with a population of about 75,000 people. This county is to be put in the northern district, under the agreement.

Mr. CRAMTON. What does the gentleman's amendment provide with reference to a place for holding court in Weston?

Mr. WOLVERTON of West Virginia. It provides for the holding of two terms of court each year at Weston. I do not remember the date of the terms of court.

Mr. CRAMTON. Would it be agreeable to the gentleman to submit his amendment somewhat in the form that so long as court room is furnished without expense, court may be held there?

Mr. WOLVERTON of West Virginia. I do not like to commit myself in that way.

Mr. CRAMTON. Suppose, then, we let the bill go over at this time——

Mr. BACHMANN. I will offer that amendment.

Mr. WOLVERTON of West Virginia. I have in mind the very thought the gentleman has discussed here. I believe Weston would be entitled to a Federal building that would accommodate a Federal court.

Mr. CRAMTON. Yes; that is just what I expected.

Mr. WOLVERTON of West Virginia. And it is my intention in the future to ask for an additional appropriation for that purpose.

Mr. CRAMTON. Then, Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. BACHMANN. Will the gentleman withhold that a moment?

Mr. CRAMTON. I withhold it.

Mr. BACHMANN. I want to say to the gentleman from Michigan that I hope he will not do that in this instance. We are in a peculiar situation in West Virginia. We have 2 judges down in West Virginia who are doing one-fifth as much work as 17 judges are doing in the entire State of New York.

Mr. LAGUARDIA. What does the gentleman know about New York? The gentleman does not know anything about that.

Mr. BACHMANN. I am only making a comparison.

Mr. LAGUARDIA. Take some other State. I have trouble enough without having comparisons made with West Virginia.

Mr. BACHMANN. And I will say to the gentleman that this bill has the approval of the two judges of the circuit court of appeals of the fourth judicial circuit.

Mr. CRAMTON. The gentleman understands that I have no objection to the bill as a whole, but it is very apparent that the amendment proposed is leading up to a new Federal building to take care of the court, and that means $100,000 or $200,000, and there is no occasion for it.

Mr. WOLVERTON of West Virginia. If the gentleman will yield, I would like to make this statement: West Virginia has not asked for much in this Congress and is not getting very much. A Federal appropriation for a court room at Weston, in my opinion, is proper and necessary. This is a growing industrial community, and we need such legislation. Our courts are congested to the extent that business can not function properly, and, as I assert, West Virginia is not getting very much in the way of Federal building appropriations in this Congress.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. WOLVERTON of West Virginia. Yes.

Mr. SCHAFER of Wisconsin. Will some of that congestion be relieved when this court commissioner bill that the gentleman from West Virginia sponsored and backed up becomes law?

Mr. LAGUARDIA. That will increase the duties of the judges.

Mr. WOLVERTON of West Virginia. We hope it will, in a way, relieve congestion, but we do not believe it will relieve congestion to the extent of eliminating the necessity for another Federal judicial district in West Virginia.

Mr. LAGUARDIA. If the gentleman will yield, that bill provides for the judge to pass upon every recommendation of the commissioner.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to direct an inquiry to the author of the bill as to the status of litigation in these two districts. I have been making this inquiry with respect to all these bills with respect to the judiciary, having given some previous consideration to them in connection with the report of the Attorney General of last year. I ask this question in view of the report of the gentleman from West Virginia that there is much more business carried on in these districts than in the districts of New York.

I find that in the northern district of West Virginia that of private cases there were but 51 suits begun during the year 1929 and 51 ended, a very small number compared with the litigation in other districts throughout the country.

In the southern district I find 115 cases begun and 137 terminated. They made some headway there. There were only 130 cases pending in the southern district on June 30, 1928. The gentleman says that they are overcrowded with work in these districts, with 51 private cases begun and 51 private cases disposed of. I have been analyzing these increased judgeship cases by the increase in private litigation, and I would like to hear from the gentleman, especially in view of the showing in the report of the Attorney General with respect to the northern district and the southern district.

Mr. BACHMANN. I will be very glad to answer the gentleman from Wisconsin. It is true that at the end of the fiscal year 1929 there were 52 what he calls private cases commenced in the northern district of West Virginia.

During the same period in the northern district there were 54 cases completed.

In the southern district there were 115 cases commenced and 137 completed.

But the gentleman has not read the civil cases that are in addition to the private litigation, and the gentleman must appreciate that the litigation we have in our Federal courts is litigation in many instances growing out of the coal industry down there, and this involves cases that represent large sums of money and long and tedious litigation.

In addition to this, we have a large number of criminal cases that we have to dispose of, and the court in taking time to dispose of these criminal cases has had to neglect the disposition of the civil cases on the docket.

Mr. STAFFORD. Do these judges give their exclusive time to litigation arising in West Virginia?

Mr. BACHMANN. They give all of their time to it. I want to read a letter from the judge of the northern district. He says, "I have not been able to keep up with the work. I am holding court continually, and have not had an opportunity to rest for four years." I also have a letter from the other judge from the southern district.

Mr. STAFFORD. They are middle-aged virile men, giving all their attention to the work?

Mr. BACHMANN. They are very industrious judges and work hard. In a letter from the judge in the southern district he says that he is compelled to work Sundays and evenings in order to keep up with his work.

Mr. STAFFORD. Mr. Speaker, in view of the showing of the work these judges are doing I think they are in need of an additional judge, and I withdraw my reservation.

Mr. SCHAFER of Wisconsin. Reserving the right to object, I want to ask the gentleman if the increase in criminal cases which he has alluded to in this district does not result from the Federal prohibition laws? Is not the bill before us asking for an additional judge caused by the additional burden put upon the courts by the increase of violations of the prohibition law?

Mr. BACHMANN. I can only give to the gentleman the number of criminal cases we have to dispose of and the fact that I made a statement in the House some time ago that 90 per cent of the criminal cases were prohibition cases.

Mr. SCHAFER of Wisconsin. And you would not be here pleading for an extra judge, pleading with the dry Congressmen from Michigan to help furnish an extra judge, if it were not for the prohibition law.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object——

Mr. STAFFORD. There is a request pending for the bill to be passed over without prejudice.

Mr. SCHAFER of Wisconsin. I shall object to that.

Mr. CRAMTON. Reserving the right to object, I want to make a short statement. I am in sympathy with the bill, but the gentleman from West Virginia says that he intends to offer an amendment for another place to hold court, manifestly looking to another appropriation for a public building for that purpose. As a matter of economy, and in accord with the policy I have followed in similar cases, I can not agree to that amendment. I suggest that he make his amendment to provide that court be held there so long as it can be held without expense to the Government for quarters.

Mr. WOLVERTON of West Virginia. I would not like to be put in the position of accepting that suggestion, for if in the future this community should develop to the extent that it was thought proper that there ought to be a Federal building there to accommodate the court we ought to have it.

Mr. CRAMTON. Congress could at any time authorize a building, but I infer that the gentleman has some idea of coming in at the next session and asking that the $150,000 be increased to $250,000 in order to get a court building.

Mr. WOLVERTON of West Virginia. Would there be anything unfair in that?

Mr. CRAMTON. I think it would in the present condition of the Treasury.

Mr. BACHMANN. We will accept the amendment.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 113 of the Judicial Code, as amended (U. S. C., title 28, sec. 194), is amended to read as follows:

"SEC. 113. (a) The State of West Virginia is divided into three districts, to be known as the northern, western, and southern districts of West Virginia.

"(b) The northern district shall include the territory embraced on the 14th day of April, 1930, in the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Taylor, Barbour, Tucker, Grant, Mineral, Morgan, Hampshire, Berkeley, Jefferson, Hardy, Randolph, Pendleton, and Upshur.

"(c) Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday in April and the second Tuesday in September in each year; at Wheeling on the fourth Tuesday in April and the fourth Tuesday in September in each year; at Elkins on the first Tuesday in June and the third Tuesday in November in each year.

"(d) The clerk of the court for the northern district of West Virginia shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(e) The western district shall include the territory embraced on the 14th day of April, 1930, in the counties of Tyler, Pleasants, Wood, Jackson, Mason, Roane, Wirt, Ritchie, Doddridge, Gilmer, Calhoun, Wayne, Lewis, Harrison, Lincoln, Cabell, Putnam, Mingo, and Logan.

"(f) Terms of the district court for the western district shall be held at Parkersburg on the first Tuesday in January and the first Tuesday in September in each year; at Williamson on the first Tuesday in March and the fourth Tuesday in September in each year; at Clarksburg on the second Tuesday in April and the third Tuesday in October in each year; at Huntington on the second Tuesday in May and the third Tuesday in November in each year.

"(g) The clerk of the court for the western district of West Virginia shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(h) The southern district shall include the territory embraced on the 14th day of April, 1930, in the counties of McDowell, Mercer, Wyoming, Raleigh, Boone, Fayette, Kanawha, Webster, Clay, Braxton, Nicholas, Pocahontas, Greenbrier, Summers, and Monroe.

"(i) Terms of the district court for the southern district shall be held at Bluefield on the third Tuesday in January and June in each year; at Lewisburg on the third Tuesday in March and September in each year; at Webster Springs on the fourth Tuesday in August in each year; at Charleston on the third Tuesday in April and November in each year.

"(j) The clerk of the court for the southern district shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(k) Each of the offices of the clerks in each of the districts aforesaid shall be kept open at all times for the transaction of the business of said courts in the respective districts and the clerks of the courts for the northern, the western, and southern districts upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees approved, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable any defendant may, upon motion on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.

"(l) That the district judge of the northern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the northern judicial district of West Virginia as constituted by this act. That the clerk, the district attorney, and the marshal of the district court in said northern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the clerk, the district attorney, and the marshal of the district court of the northern judicial district of West Virginia as hereby constituted until their successors shall be appointed and qualified as provided by law. The assistant district attorneys, deputy marshals, deputy clerks, and referees in bankruptcy, resident in said northern judicial district of West Virginia as constituted by this act shall, within their respective jurisdictions in said northern judicial district, continue in office and continue to be such officers in such northern district until the expiration of their respective terms of office as heretofore fixed by law or until their successors shall be duly appointed and qualified as provided by law.

"(m) That the district judge of the southern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the southern judicial district of West Virginia as constituted by this act. That the clerk, the district attorney, and the marshal of the district court in said southern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the clerk, the district attorney, and the marshal of the district court of the southern judicial district of West Virginia as hereby constituted, until their successors shall be appointed and qualified as provided by law. The deputy marshals, deputy clerks, and referees in bankruptcy resident in said southern judicial district of West Virginia as constituted by this act, shall, within their respective jurisdictions in said southern judicial district, continue in office and continue to be such officers in such southern district until the expiration of their respective terms of office as heretofore fixed by law or until their successors shall be duly appointed and qualified as provided by law.

"(n) That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge who is a resident of the State of West Virginia for the western judicial district of West Virginia who, when appointed and qualified as provided by law, shall possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said western judicial district as hereby constituted or transferred thereto, succeed to and possess the same power and perform the same duties within said western judicial district as are now possessed by and performed by the district judges for the northern district of West Virginia and the southern district of West Virginia, respectively.

"(o) That the district attorney now district attorney for the southern district of West Virginia and the assistant district attorneys now in the said southern district shall be and continue the district attorney and assistant district attorneys of the western judicial district of West Virginia as hereby constituted until their successors shall be appointed and qualified as provided by law.

"(p) That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal for the western judicial district and a district attorney for the southern judicial district who shall be residents of the State of West Virginia and who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

"(q) That all other officers of any of the district courts created or constituted by this act holding any office in a district other than that of their residence shall cease to be such officers when their successors are appointed and qualified: *Provided*, That the assistant district attorney, the deputy marshal, and the deputy clerks and referees in bankruptcy, and United States commissioners, resident of the western district as constituted by this act, shall continue in office and continue as such officers in such western district until the expiration of their respective terms of office, as heretofore fixed by law, or until their successors shall be duly appointed and qualified as provided by law.

"(r) That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said three districts and the provisions of this act, and all vacancies created thereby in any of said districts as constituted by this act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial districts of West Virginia as heretofore constituted.

"(s) That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the northern judicial district of West Virginia and the southern judicial district of West Virginia, as heretofore constituted, respectively, whereof the courts of the western judicial district of West Virginia as hereby constituted would have had jurisdiction if said latter district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded within the western judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the court of said western judicial district and the judge thereof, and the records and proceedings therein and relating to said proceedings and causes herein and hereby transferred shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said northern judicial district of West Virginia, and said southern judicial district of West Virginia, respectively, as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of either of the judicial districts of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the judge of either of said districts, shall be proceeded with and disposed of in the district and by the judge of the court having jurisdiction of said cause or proceeding prior to the passage of this act.

"(t) That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

"(u) That all prosecutions for crimes or offenses hereafter committed in any of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

"(v) That all laws and parts of laws, so far as inconsistent with provisions of this act, are hereby repealed."

Amend the title so as to read: "A bill to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.)."

With the following committee amendments:

On page 6, line 6, after the word "the" insert the following words: "western judicial district of the."

On page 7, line 3, strike out the word "western" and insert in lieu thereof the word "southern."

On page 7, line 5, after the word "the" insert the words "southern judicial district of the."

On page 7, line 13, after the word "That" insert the words "the district attorney" and a comma, and in the same line strike out the word "attorney" and insert in lieu thereof the word "attorneys."

On page 1, line 3, after the word "amended" insert the following in parenthesis: "Sec. 194, title 28, U. S. C."

The committee amendments were agreed to.

Mr. WOLVERTON of West Virginia. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 3, after word "and," strike out "Upshur" and insert "Harrison."

The amendment was agreed to.

Mr. WOLVERTON of West Virginia. I offer the following amendment.

The Clerk read as follows:

Page 2, line 18, after the word "Lewis," strike out "Harrison" and insert "Upshur."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. Wolverton: Page 2, line 24, after the word "at," strike out the word "Clarksburg" and insert the word "Weston."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. CRAMTON. Mr. Speaker, I offer the following as a substitute for the amendment offered by the gentleman from West Virginia.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON in the nature of a substitute: Page 2, line 24, after the word "year," strike out the words "at Clarksburg" and insert "so long as quarters for such purpose at Weston are furnished without expense to the United States, at Weston."

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from Michigan.

The substitute was agreed to.

The SPEAKER pro tempore. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 7, after the word "the," where it occurs the first time, strike out "fourth Tuesday in April" and insert "second Tuesday in May."

The amendment was agreed to.

Mr. BACHMANN. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Page 2, line 8, after the word "the," strike out the word "first" and insert the word "second."

Mr. LAGUARDIA. Mr. Speaker, I rise in opposition to the amendment. I know the gentleman from West Virginia [Mr. BACHMANN] has worked very hard on these bills, and he knows the great pains the Committee on the Judiciary takes with every one of these judges bills. It is a very dangerous precedent to seek to amend a bill of this kind on the floor of the House. I know the difficulties under which the gentleman is laboring, but bills of this kind, changing terms of court and places of holding court should not be amended on the floor of the House. The committee goes into these matters, together with the Department of Justice, and endeavors to perfect a bill of this kind in the committee and not on the floor.

Mr. BACHMANN. I agree with what the gentleman says, but this amendment was proposed after the bill had come out of committee, and I wrote to the Federal judges about the proper times of holding court, and these amendments are only perfecting amendments as to fixing the times of holding court

necessitated by the amendment offered by the gentleman from West Virginia [Mr. WOLVERTON].

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 9, after the word "the," strike out "third" and insert "second."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 10, after the word "year," strike out the period, insert a semicolon and the following: "at Clarksburg on the first Tuesday in April and the second Tuesday in January."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 10, line 4, after the word "repealed" add a new paragraph as follows:

"This act shall take effect on January 1, 1931."

Mr. LAGUARDIA. Mr. Speaker, what is the purpose of that amendment?

Mr. BACHMANN. This session of the Congress is about to adjourn, and no one can be appointed and be confirmed in time to take up this business, and the judges from the northern and southern districts of West Virginia suggest that they have some time so that they can better arrange the business which will have to be transferred to the new district.

Mr. LAGUARDIA. By reason of these changes?

Mr. BACHMANN. Yes.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHOTT of West Virginia. Mr. Speaker, I offer the following amendments which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SHOTT of West Virginia: Page 2, line 3, after the comma add the word "Pendleton," insert "Harrison" and a comma.

Page 2, line 10, strike out the period after the word "year" and insert a semicolon and the following: "and at Clarksburg the first Tuesday in January and the first Tuesday in October in each year."

Page 2, strike out lines 15 to 19, inclusive, and insert in lieu thereof the following:

"(e) The western district shall include the territory embraced on the 14th day of April, 1930, in the counties of Mason, Wayne, Lincoln, Cabell, Putnam, Mingo, Logan, McDowell, Boone, Raleigh, Wyoming, Mercer, Summers, and Monroe."

Page 2, line 21, strike out the word "Parkersburg" and insert "Bluefield."

Page 2, line 22, strike out the word "September" and insert "June."

Page 2, line 24, beginning with the word "at," strike out down through the semicolon after the word "year" in line 1, page 3.

Page 3, strike out lines 7 to 11, inclusive, and insert in lieu thereof the following:

"(h) The southern district shall include the territory embraced on the 14th day of April, 1930, in the counties of Fayette, Kanawha, Webster, Clay, Braxton, Nicholas, Pocahontas, Greenbrier, Tyler, Pleasants, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Ritchie, Doddridge, and Lewis."

Page 3, line 13, strike out the word "Bluefield" and insert "Parkersburg."

Mr. CRAMTON. Mr. Speaker, I rise in opposition to that amendment.

Mr. CHINDBLOM. That has already been done.

Mr. BACHMANN. This amendment will reallocate a number of the counties.

Mr. SHOTT of West Virginia. This arrangement of the counties in West Virginia would make more compact districts for these three judges, and we do not have to build any new courthouses for them, and the places of holding court are more accessible to the people. The amendment I offer is to change the way in which the State is divided into three judicial districts.

Mr. CRAMTON. Does the gentleman from West Virginia propose any new places for holding court?

Mr. SHOTT of West Virginia. Not a single new place. My amendment changes the districts by taking out certain counties and putting in others in the three proposed districts of the pending bill.

Mr. STAFFORD. What advantage will there be by taking the litigation arising in Harrison County from the western and putting it in the northern district?

Mr. SHOTT of West Virginia. There is no use of separating West Virginia into three circuits unless you arrange the business of the courts so that it will relieve the southern and the northern districts. There is no use of cutting it into three equal divisions and undertaking in that way to relieve the congestion of the courts. You have to divide the State according to the business done and likely to arise.

Mr. STAFFORD. Do I understand that a great amount of litigation arises in Harrison County?

Mr. SHOTT of West Virginia. In the proposed southern district the county of Harrison would increase the congestion. We want to balance the northern district and, I think, Harrison ought to go into the northern district.

Mr. WOLVERTON of West Virginia. If the gentleman will yield, I believe I am as well acquainted with the situation in Harrison County as is the gentleman [Mr. SHOTT], who has offered this amendment. The principal place for holding court outside of Wheeling is at Clarksburg. The people residing in Harrison County desire to be in the northern district, as it is now situated. That is so because the court business comes mainly from the cities in the northern part of the district. The people of Harrison County would be very much aggrieved if they were left out of the northern district.

Mr. STAFFORD. I understand that, territorially, it would naturally be a part of the northern district.

Mr. JENKINS. What is the standing of Harrison County?

Mr. WOLVERTON of West Virginia. It is the fourth in population.

The gentleman from West Virginia [Mr. SHOTT] lives in the extreme southern end of the State.

Mr. MICHENER. May I ask who is asking for this change?

Mr. SHOTT of West Virginia. The county of Harrison asks for this one change, I understand.

Mr. MICHENER. The gentleman himself is from another district?

Mr. SHOTT of West Virginia. Yes.

Mr. MICHENER. The gentleman is asking that the change be made?

Mr. SHOTT of West Virginia. If all the amendments I offered were carefully read it would be seen that I have changed the proposed districts so as to properly distribute the business.

Mr. MICHENER. At whose suggestion? Is it your own suggestion?

Mr. SHOTT of West Virginia. Yes.

Mr. MICHENER. Have you conferred with the judges?

Mr. SHOTT of West Virginia. No, I have not; but I have conferred with many leading citizens of the southern end of the State regarding the arrangement of counties proposed in my amendment.

Mr. MICHENER. Does not the gentleman think it extraordinary for a man outside of the district, without consultation with the bar of the State, to recommend that the change be made?

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. I ask unanimous consent to proceed for five minutes. I wish to make a statement.

Mr. SCHAFER of Wisconsin. This discussion may be prolonged so that it will take an hour. I object.

The SPEAKER pro tempore. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from West Virginia [Mr. SHOTT].

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. Does the gentleman from West Virginia wish to offer another amendment?

Mr. SHOTT. No, sir.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

INTERSTATE TRANSPORTATION OF BLACK BASS

Mr. NELSON of Maine. Mr. Speaker, I ask for recognition.

The SPEAKER pro tempore. The gentleman from Maine is recognized.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to proceed for two minutes.

Mr. GARRETT. Mr. Speaker, I have listened to the request of the gentleman from New York, but I can not recall the Chair's recognition of the gentleman.

The SPEAKER pro tempore. The gentleman from Maine [Mr. NELSON] is recognized.

Mr. NELSON of Maine. Mr. Speaker, I ask unanimous consent to return to the consideration of a bill on the Consent Calendar which was objected to, but against which the objection has been withdrawn. I have explained that this bill is of considerable interest. I ask unanimous consent to return to Calendar No. 628, to the bill S. 941, and ask for its present consideration.

Mr. GREENWOOD. Is that the bill to which the gentleman from North Carolina [Mr. WARREN] objected?

Mr. NELSON of Maine. Yes. He has withdrawn his objection. It was made under a misapprehension.

Mr. MILLIGAN. The gentleman from North Carolina has withdrawn his objection.

Mr. LAGUARDIA. Mr. Speaker, the objection was made by me. My objection was not made under a misapprehension at all. But I withdraw it.

The SPEAKER pro tempore. The objection is withdrawn. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment to the Senate bill.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert: "That the act entitled 'An act to regulate the interstate transportation of black bass, and for other purposes,' approved May 20, 1926 (U. S. C., Sup. III, title 16, secs. 851–856), is amended to read as follows:

"That when used in this act the word 'person' includes company, partnership, corporation, association, and common carrier.

"SEC. 2. It shall be unlawful for any person to deliver or knowingly receive for transportation, or knowingly to transport, by any means, whatsoever, from any State, Territory, or the District of Columbia, to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any large-mouth black bass (Micropterus salmoides) or any small-mouth black bass (Micropterus dolomieu), if (1) such transportation is contrary to the law of the State, Territory, or the District of Columbia from which such black bass is or is to be transported, or (2) such black bass has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State, Territory, or the District of Columbia in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported; and no person shall knowingly purchase or receive any such black bass which has been transported in violation of the provisions of this act; nor shall any person receiving any shipment of black bass transported in interstate commerce make any false record or render a false account of the contents of such shipment.

"SEC. 3. Any package or container containing such black bass transported or delivered for transportation in interstate commerce, except any shipment covered by section 9, shall be clearly and conspicuously marked on the outside thereof with the name 'Black Bass,' an accurate statement of the number of such fish contained therein, and the names and addresses of the shipper and consignee.

"SEC. 4. All such black bass transported into any State, Territory, or the District of Columbia for use, consumption, sale, or storage therein, shall upon arrival in such State, Territory, or the District of Columbia be subject to the operation and effect of the laws of such State, Territory, or the District of Columbia to the same extent and in the same manner as though such fish had been produced in such State, Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 5. The Secretary of Commerce is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

"SEC. 6. (a) Any employee of the Department of Commerce authorized by the Secretary of Commerce to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made in pursuance thereof; and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction, to make search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Commerce shall by regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 7 of this act, be forfeited by such court to the United States upon conviction of the offender under this act, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this act or regulations made pursuant thereto.

"SEC. 7. In addition to any forfeiture herein provided, any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding $200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 8. Nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this act, or from making or enforcing laws or regulations which shall give further protection to large-mouth and small-mouth black bass.

"SEC. 9. Nothing in this act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes."

Mr. GREEN. Mr. Speaker, I move to strike out the last word.

I would like to ask the proponents of this bill if there is anything in the bill that prevents the shipment of black bass if they are procured according to the law of the State in which they originate?

Mr. NELSON of Maine. No; nothing of the kind.

Mr. DENISON. It is in aid of the State law, really.

Mr. GREEN. Then, the people of Florida if they catch black bass under the State law can ship them out of the State and not violate this law?

Mr. NELSON of Maine. If they are legally taken in your State, they will not violate this law.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAIUTE INDIAN RESERVATION

The next business on the Consent Calendar was the bill (S. 135) to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, or so much thereof as may be necessary, for paying the Truckee-Carson irrigation district, Fallon, Nev., in 60 semiannual installments, as equally as may be, the proportionate share of the benefits received by 4,877.3 irrigable acres of Paiute Indian lands within the Newlands irrigation project, for necessary repairs to the Truckee Canal to restore said canal to its original capacity, said payments to be made at the same time and at the same rate per irrigable acre as that paid to the Reclamation Bureau by said district for other irrigable lands located therein.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HANDLING OF MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 10676) to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make a point of order, and I reserve the right to object.

I make the point of order that the bill is not properly reported, in that it does not comply with the rule known as the Ramseyer rule, providing for complete comparative printing,

showing the law to be amended and the amendments suggested in the bill. I press the point of order.

Mr. KELLY. Mr. Speaker, I am certain the present occupant of the chair will be in agreement with the statement that this measure, as amended by the committee, is not an amendment of any law, and therefore it is impossible to show in further detail than is shown in the report the law at present and the law as it will be after the measure is passed. This is an entirely new proposition, with present law entirely rewritten. In the print of the bill itself it will be noticed there is published the original form of the bill. If that were the bill as reported I agree it would have been necessary in the report to outline the present law and strike through all the words that were changed and insert the line which is added. However, in the present form that is not necessary and, in fact, can not be done. In spite of that, however, Mr. Speaker, in the report will be found the entire text of sections 212 and 207 in full detail, showing what the law is at present and the difference as covered by this bill.

The SPEAKER pro tempore. Section 5 of the amendment does repeal the law.

Mr. KELLY. Yes. That refers to section 212, title 2, of the act of February 8, 1925.

The SPEAKER pro tempore. Is that set out in the report?

Mr. KELLY. Yes. In the report on page 2 the entire section 212 will be found, with A, B, C, and D, which complies with the Ramseyer rule, to set out in the report the details for the information of the House. I feel certain there is no justification for the statement that the bill is not reported as the rule provides.

The SPEAKER pro tempore. The House bill, as originally introduced, does undertake to amend and repeal.

Mr. KELLY. Yes. That is the point I made.

The SPEAKER pro tempore. But that is before the House as well as the committee amendment. The House may disagree to the committee amendment and may prefer the original bill.

Mr. KELLY. If the Speaker will permit, the committee in dealing with this question had before it a Senate bill, and to a large degree used the Senate bill in the amendment to the House measure which was before the committee. The committee thought that the report setting out the entire text of the laws referred to would meet the rule.

Mr. LAGUARDIA. Mr. Speaker, I simply desire to point out for the sake of protecting a very useful rule that what we have before us now is H. R. 10676, and the Speaker will observe that that bill provides in the very first section an amendment to existing law. That being so, the report does not comply with the rule.

Mr. KELLY. Mr. Speaker, of course, the Chair understands that the printing in this report of the entire text of the law referred to covers the meaning of the rule known as the Ramseyer rule, even though the original text which is stricken out be considered.

The SPEAKER pro tempore. What is before the House is the bill, H. R. 10676, as originally introduced and as amended. As originally introduced, the bill does undertake to change existing statutes, and in that respect it is a violation of rule 13, paragraph 2 (a). The Chair sustains the point of order. The bill is recommitted to the Committee on the Post Office and Post Roads.

DEPARTMENT OF AGRICULTURE

The next business on the Consent Calendar was the bill (H. R. 11400) to amend the act of March 4, 1911 (36 Stat. L., 1235, 1253-4; U. S. C., title 16, sec. 5), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill has to do with the granting of authority to string electric lines or telephone lines across certain public lands, and it excepts national parks. Of course, I agree with what was the manifest purpose of the committee, namely, not to give authority for any unsightly wires where they would be a blot on the landscape, but there may be cases where it is essential and would not be objectionable to string wires across national parks. If this bill is passed as reported, would anyone have the authority to give permission for the stringing of such wires across national parks?

Mr. LEAVITT. Yes. The situation is that as the bill was drawn the national parks were included with these other reservations, but the letter which came to us from the Department of the Interior was to the effect that they were covered by other law and that they should not be included in this particular bill.

Mr. COLTON. If the gentleman will permit, as I understand it, under certain limitations the Park Service may now grant such permission.

Mr. CRAMTON. It was not clear from the report of the Commissioner of the Land Office, in which he says:

> Attention is called to the act of March 3, 1921, which excepts lands within the limits of national parks or monuments from the operation of the right of way acts generally.

That did not answer my question as to whether there was authority in the act of March 3, 1921, or elsewhere, to grant that authority when desired.

Mr. LEAVITT. There is.

Mr. CRAMTON. Mr. Speaker, I withdraw my reservation of objection.

Mr. COLLINS. Mr. Speaker, further reserving the right to object, I am in doubt about the advisability of this legislation, because the Commissioner of the General Land Office says:

> This office recalls no instance where wider right of way was sought or found necessary.

If there is no necessity for a wider right of way, then there is no necessity for the enactment of this legislation.

Mr. LEAVITT. What that means is that no lands which come under the jurisdiction of the Commissioner of the General Land Office have as yet developed such a requirement.

Mr. COLLINS. I think we ought to wait until there is that requirement.

Mr. LEAVITT. But this also covers lands which are not under that jurisdiction. The matter came to my attention in connection with the need of a wider right of way across public lands, where it was thought necessary to have the right of way wider than 20 feet in order that transmission lines might be of greater height and still be safe.

Mr. COLLINS. Does the Secretary of the Interior know anything about that particular case?

Mr. LEAVITT. I do not know whether he does or not.

Mr. COLLINS. It seems to me he would be the first one to know about it.

Mr. STAFFORD. As I understand the existing practice, these power companies have the right to-day to get this right of way for transmission lines without the payment of any license fee to the Government?

Mr. LEAVITT. Not to exceed 20 feet on each side of the center line.

Mr. STAFFORD. Forty feet in all. Those of us who know anything about the practice of utility companies in obtaining rights of way across private lands know that they must pay a considerable amount to the owners of the land for those rights of way. Why should the Government grant rights of way over the public domain, reservations, and national parks, without any return to the Government, when they are despoiling, perhaps, the national domain, especially if it is a forest reserve, by cutting down the timber?

Mr. LEAVITT. They have to pay for that.

Mr. STAFFORD. Where is there any provision of law which requires them to pay for it?

Mr. LEAVITT. As a matter of fact, they have to pay for any public property that is destroyed.

Mr. STAFFORD. I would like to have the gentleman cite the law, because I would be unwilling to allow any power company to have the right to go across public land with their electric power lines ad libitum, merely under the supervision and approval of an underling of the department, and without any compensation to the Government. I have an amendment to suggest:

> And upon the payment of a yearly fee, to be determined by him, for no longer than 10-year periods at a time.

These power companies are obtaining from the National Government valuable rights to string their power lines over the national domain by the shortest way. In doing so they despoil the forests and why should they not be required to pay the National Government for that easement?

Mr. COLTON. This would not change the existing law in that respect.

Mr. STAFFORD. I am unwilling to broaden the existing law whereby the right of way may be doubled, without exercising

my privilege of exacting a fee for a right which they obtain to-day without the payment of anything.

Mr. COLLINS. Will the gentleman yield to me?

Mr. STAFFORD. Yes.

Mr. COLLINS. Will not this easement be classed as a part of their assets and when rates are fixed the public will be charged with the value of the lands, and their value will be large, too. Such companies know how to make the public pay.

Mr. STAFFORD. It is a valuable right and they should pay for the right, just the same as they have to pay when they cross private land. When I was out of Congress I had some litigation with reference to the right of power companies to string these power lines. I want to know the existing law which exacts any payment for this privilege. I am unwilling to grant this power and permit them to use the public lands without the payment of a fee.

Mr. LEAVITT. If the gentleman will yield, I can give him an illustration of how that is now carried on. The head of each department under the law that is being sought to be amended is now authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way——

Mr. STAFFORD. Without the payment of any fee.

Mr. LEAVITT. They do pay, as a matter of fact.

Mr. STAFFORD. Then I want to find the authority of law under which they exact such a fee.

Mr. LEAVITT. This is the authority of law referred to here. I can state to the gentleman that when I was supervisor of a national forest a transmission line was constructed across it, and I know that every bit of timber that was cut down was paid for, that the brush was well disposed of, and that the compensation to the Government was such as to recompense the Federal Government for what was destroyed.

Mr. STAFFORD. Then the gentleman should have no objection to the amendment which I have suggested.

Mr. LEAVITT. Offhand it would appear to me the committee ought to consider that kind of an amendment instead of having it considered only on the floor here.

Mr. STAFFORD. I would be very glad to have the committee consider it between now and the next call of the calendar.

Mr. LEAVITT. There is nothing in the bill at all except to allow a wider right of way than is now allowed.

Mr. STAFFORD. As I indicated, I want some compensation made to the Federal Government for these valuable rights of way over the public domain.

Mr. COLTON. Really, under certain circumstances this is a benefit.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPRESENTATIVE HULL OF TENNESSEE AND THE SPANISH WAR PENSION BILL

Mr. GASQUE. Mr. Speaker, I ask unanimous consent to proceed for one minute out of order.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GASQUE. Mr. Speaker, the gentleman from Tennessee, Mr. HULL, left for home on important business before action by the Congress on the President's veto of the Spanish War pension bill, S. 476, but before leaving he requested me and several of his colleagues to have him paired in favor of the passage of said bill over the President's veto. As the RECORD shows, the gentleman from Tennessee [Mr. HULL] was given a live pair against the motion that action on the veto message of the President be deferred until Thursday, Mr. MARTIN being paired for said motion with Mr. HULL of Tennessee, against it. Judge HULL's colleagues endeavored to procure a pair for him in favor of passing the bill, the objections of the President to the contrary notwithstanding, but it was impossible to procure such a pair for the reason that no Member had requested to be paired against the bill. If the gentleman from Tennessee [Mr. HULL] had been present, he would have voted "yea" on the motion to pass said bill, the objections of the President to the contrary notwithstanding.

WARM SPRINGS TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (S. 2895) authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians, of Oregon, or either of them, to submit their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. BUTLER. Mr. Speaker, I trust the gentleman will withhold that request.

Mr. CRAMTON. I will say that with the study I have now made of the bill I should have to object to-day. I will continue my study and possibly have some amendments to suggest when it is reached again.

Mr. BUTLER. There is a situation that exists with reference to this bill that makes it more or less of an emergency. There are a few old Indians residing on this reservation who were present at the time of the making of the treaty of 1865. In order to properly present their case to the court, it is necessary to have the testimony of these old Indians, and it seems to me that if there is any justice in their case, delay would tend to defeat the justness of their case, and I submit this matter has been before the Congress and the department had admitted there is a considerable sum of money due and has called upon the Congress in years gone by to make a payment or to attempt a settlement and compromise.

Mr. CRAMTON. Can the gentleman say that all of the bureau amendments suggested were incorporated in the Senate bill?

Mr. LEAVITT. I will state that for the committee. The bill as reported out incorporates the suggestions made by the commissioner.

Mr. CRAMTON. To what extent is the bill in the form that the committee has been following with reference to claims?

Mr. LEAVITT. It was very carefully considered by the subcommittee headed by the gentleman from South Dakota [Mr. WILLIAMSON], and was scrutinized in every respect.

Mr. CRAMTON. I felt sure of that, but I renew my question. Does it conform to the form followed by the committee with reference to these claims bills?

Mr. LEAVITT. It does.

Mr. CRAMTON. The language with reference to the pleading of offsets, on page 3, section 3, I wanted to check up and compare.

Mr. LEAVITT. The language there is the language adopted by the committee.

Mr. CRAMTON. Is that language broad enough so that all payments that have been made by the Government for the benefit of these Indians can be pleaded as offsets?

Mr. LEAVITT. I am sure so, yes. I will ask the gentleman from South Dakota, Mr. WILLIAMSON, who has studied the matter very carefully to answer that.

Mr. CRAMTON. There are two or three bills here and the committee is not now following a uniform course with reference to them. In this matter of offsets, the bills now on the calendar are of various styles.

Mr. WILLIAMSON. That is true.

Mr. CRAMTON. So I have forgotten just what was the usual form.

Mr. WILLIAMSON. This is the general provision which was drafted a number of years ago and which has been in general use. This is the general provision which makes any and all payments, including gratuities, offsets. There is one bill which may come up to-day that does not carry this provision——

Mr. CRAMTON. And which we will ask to go over.

Mr. WILLIAMSON. But this bill does carry the general provision.

Mr. CRAMTON. Well, I am not sure. The language is, "Any payment or payments which have been made by the United States upon any such claim." It does not say any payments made by the Government for the benefit of these Indians. It does not say anything about gratuities paid by the Government. This only says "any payments made on such claims," and I do not believe that is broad enough.

Mr. WILLIAMSON. The gentleman is correct about that. This refers only to claims which have arisen in connection with the land in controversy.

Mr. CRAMTON. I will have to ask that this bill go over.

Mr. BUTLER. Can the gentleman suggest any amendment that would cover that?

Mr. CRAMTON. I could not prepare them offhand. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed without prejudice.

There was no objection.

MODERNIZING THE CONGRESSIONAL RECORD

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to be permitted to extend my remarks in the RECORD by publishing a cartoon which appeared in the New York Times on June 22.

The SPEAKER pro tempore. That request is not in order.

Mr. BOYLAN. I would like to be heard on it. This cartoon pictures a small dog. Twenty years ago the picture was published in the RECORD of a cow.

The SPEAKER pro tempore. The Joint Committee on Printing has charge of that matter under the statute. The Chair can not entertain a request of that kind.

Mr. BOYLAN. I would like permission to describe the cartoon.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, I requested unanimous consent to be permitted to extend my remarks by inserting in the RECORD a cartoon by Marcus that appeared in the New York Times on Sunday, June 22, 1930. I was denied this privilege on the ground that the Joint Committee on Printing has charge of that matter under the statute, and that they would have to be consulted relative to the matter of printing of pictures, and so forth.

For the past two years I have been endeavoring to modernize the daily RECORD kept of the proceedings of Congress.

In 1929 I introduced a resolution providing for a commission of three Members of the Senate and three Members of the House of Representatives to conduct an inquiry into the feasibility and advisability of permitting photographs, cartoons, half tones, rotogravures, portraits, and similar material, in so far as they contribute to a more accurate portrayal of the development of society and civilization in the United States, and to a more faithful recording of the activities of the Congress of the United States, to be printed in the RECORD. Up to this time I have been unable to get any action on this resolution.

This resolution is designed to fill a long-felt need. I see no reason why it should not be adopted, and I am informed there is a great deal of sentiment for it. It is important for many reasons. The CONGRESSIONAL RECORD is the great diary of the American people's elected Representatives, but it is more than that. It is our great national journal. As now made up, it does not discharge that responsibility in substance or in style.

It should reflect the manners—good or bad—the customs, the habits, the inventions, the art, the thought, the opinions, the ups and downs of American life and our civilization. To the historian of the future years it should furnish material by which he can reconstruct the great American scene and all the figures who play their parts thereon—the Presidents, Members of Congress, philosophers, poets, artists, prize fighters, and athletes. There should be room for a Babe Ruth as well as a Speaker LONGWORTH, for Lindbergh and Byrd, as well as for President Hoover. We do not know how history will judge us or where the hand of the historian will place us. Let us not have pride in ourselves and confine the CONGRESSIONAL RECORD to a mere museum of our oratorial achievements; let us have pride in our country and its men of achievement.

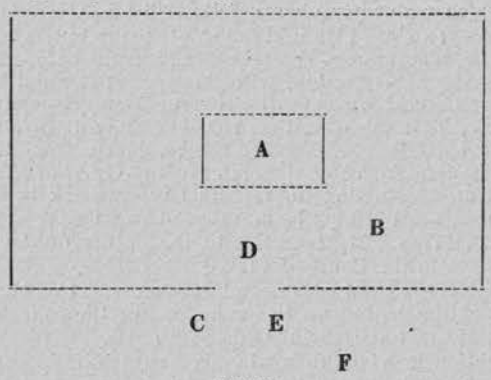
It is obvious that speeches alone do not count for much. Yet that is all the RECORD contains now. It is my belief that the rules governing the inclusion of material in the RECORD should be revised to sanction insertion of anything that helps to give a picture of American life of to-day. This may conceivably mean cartoons, pictures, rotogravures, comic strips, headlines, editorials, and even a sporting page—in fact, all the adornments of the modern, entertaining, and historical newspaper.

I admit the proposed change is revolutionary. But I also suggest that there is more wit and wisdom in many a cartoon without words, or even in a comic strip, than in some congressional orations I have read in the RECORD.

The cartoon that I was prevented from inserting in the RECORD was a drawing by Marcus, of the New York Times. This cartoon depicts the entrance to the home of the average American citizen.

At the gate is posted a sign "Beware of the dog." In the entrance is a small dog, about the size of a peanut, named "Flexible Clause." This small dog is endeavoring to prevent a burly masked burglar named "Excessive Tariff Rates," from entering the house of the average American citizen. The said burly burglar is laughing in derision at the efforts of little "Flexible Clause" trying to prevent his entrance.

No words of mine or anyone else, in my opinion, could really portray the thought that is carried by this cartoon. In order, however, to make it a little clearer, inasmuch as I am not permitted to print the cartoon in the RECORD, I am inserting the following diagram and legend:



LEGEND

A—The home of the average American citizen.
B—Grounds surrounding home.
C—Sign "Beware of the Dog."
D—Entrance to home.
E—Small dog named "Flexible Clause."
F—Burly masked burglar named "Excessive Tariff Rates."

Often a vivid cartoon or picture will enlighten, educate, and, perhaps, be the means of constructive legislation.

This, indeed, is an era of progress, and to keep abreast of the times we should modernize the daily RECORD of our work in Congress.

CLAIM OF THE CHOCTAW AND CHICKASAW INDIAN NATION

The next business on the Consent Calendar was the bill (S. 3165) conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nation or Tribes for fair and just compensation for the remainder of the leased district lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. HASTINGS. Will the gentleman withhold that?

Mr. CRAMTON. Yes.

Mr. HASTINGS. As the gentleman from Michigan perhaps knows this claim is for the "leased district" by the Choctaw and Chickasaw Nations. It is a claim that has been pending before Congress for the last 40 or 50 years; it has been repeatedly presented to Congress ever since I have been a Member.

Congress sent, as the gentleman knows, the Dawes Commission to the Five Civilized Tribes to make an agreement for the allotment of their lands and the distribution of their money for the purpose of winding up their affairs. That has already been done. We passed June 7, 1924, an act authorizing them to go to the Court of Claims to adjudicate certain cases.

Now, so far as necessity for legislation is concerned the affairs of the Choctaws and Chickasaws are entirely closed, except for the settlement of this one claim; this is the only claim that is left that no provision is made for settlement.

The gentleman from Michigan is familiar with Indian matters and, I know, is sympathetic. This bill only refers the claim of the Choctaws and Chickasaws for the "leased district" to the Court of Claims for findings of fact and report back to Congress. It does not authorize the adjudication. That is all the bill does. It is like a court referring a matter to a master to hear the testimony and make succinct report to the court.

Mr. STAFFORD. But the amendment says here, "examine and adjudicate the claim."

Mr. HASTINGS. The gentleman has not the right print of the bill.

Mr. CRAMTON. I will say to the gentleman in the first place that the bill is not approved by the department and the Budget. That is not decisive, but it does put us on notice that we should carefully study the bill before we permit it to pass.

In the limited study I have been able to make of it I feel that the bill goes a long way in providing that they decide, irrespective of former adjudications, whether the consideration of former adjudications was fair reopens the number of closed issues. Possibly after a fuller study of it I might not be opposed to it, but if I had to decide to-day I would object.

Mr. HASTINGS. I am sorry; I hope the gentleman between now and the next time the calendar is called will examine it and give it his support.

Mr. CRAMTON. I hope my friend from Oklahoma will be here for many terms and be able to give us the benefit of his advice, which we nearly always follow.

Mr. HASTINGS. I thank the gentleman, but what I am afraid of is that it may not be reached again before adjournment. This is a Senate bill, with 22-page report, and has been given most careful consideration by the House committee. It was referred to a subcommittee, that examined it carefully and reported it back, and as I said to the gentleman from Michigan, it is simply a reference of the claim to the Court of Claims for investigation and findings of fact, and report back to Congress what, if any, amount may be due these two tribes.

Mr. CRAMTON. My fear lies in the nature of the instructions it gives to the Court of Claims.

Mr. HASTINGS. Just one minute more. I want to call attention of the gentleman to section 257 of the code, and that is section 151 of the Judicial Code.

This section provides that wherever any claim is pending in either House, other than a pension claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may for an investigation of the fact refer the claim to the Court of Claims. That is the section under which we are proceeding. There have been claims filed both in the House and the Senate for additional compensation similar to the one that the gentleman from South Dakota filed the other day, but instead of asking the committees of Congress to sit for weeks investigating this matter, hearing evidence and examining all of the treaties, and so forth, these tribes ask that the claim be referred to the Court of Claims for a full investigation and findings of facts, to be reported back to Congress as to what, if any, amount, taking all these things into consideration, may be due. This is a Senate bill. What I am afraid of is if it does not receive consideration to-day the Consent Calendar may not be reached again at this session, and that means the resolution goes over until December or perhaps for another year. It delays the final settlement of the affairs of these tribes, because they will not be satisfied until this claim is finally adjusted. I have never yet objected to referring any of these claims to our own courts for a full and fair investigation of all of the facts.

Mr. CRAMTON. We have sent so many of these to the Court of Claims that it would be four or five years before anything could be done with this, so that there is no real delay involved in making a proper study of the bill.

Mr. HASTINGS. All other claims must be filed by June 30, 1930. We expect all of their other affairs to be wound up and claims adjudicated within the next 12 or 18 months, and it is important to have this last claim sent to the court. In this bill there is a provision in the last section for the Attorney General to represent the Government, and procedure for assembling all of the facts and for findings of fact and a report to Congress by the court, just as a master reports to a court his findings and conclusions.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I have a request pending, that the bill go over without prejudice.

Mr. GARBER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GARBER of Oklahoma. This bill does not change the legal status of either the Government or the Indians. It does not ask for an authorization or an appropriation of a single dollar. It does not incur any obligation on the part of the Government or anyone else. It simply recognizes the Court of Claims as an agency to investigate.

Mr. CRAMTON. And it sets up the rule for the consideration of this case, and it says that irrespective of any former adjudication——

Mr. HASTINGS. That is the same language that is in every jurisdictional bill.

Mr. CRAMTON. I shall object unless the bill goes over.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. These Indians are all in my district.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, inasmuch as I introduced this bill in the House I wish to make a brief explanation.

The land in question, or so-called "leased district," was made the property of the Choctaws by the treaty of 1820 with the Government, whereby these Indians exchanged their valuable possessions east of the Mississippi for this vast domain west of the Mississippi. The Choctaws later agreed with the Chickasaws to take that tribe in as one-fourth owners of all their holdings.

Several treaties were made with the Government, including the one in 1866 which was made under duress and threats whereby the Choctaws supposedly leased to the Government a large territory of some 7,700,000 acres covering mostly what was formerly Greer County in Oklahoma, and which now takes in five or six counties. In drafting the treaty the Government used the word "cede" instead of the word "lease," and the Indians not being fluent at that time with the English language did not comprehend the difference in the meaning.

This treaty of 1866 was made with the Government for the small sum of $300,000, and was for the specific purpose of using these lands for the settlement of the freed negro slaves who were living among the Choctaws and Chickasaws and who were considered by the Indians as undesirables. However, the Government failed to carry out that part of the treaty.

The former slaves were never removed, but instead each was given 40 acres of land in the Choctaw and Chickasaw Nations without the consent of the two nations or tribes, and about 1891 the Cheyenne and Arapahoe Indians were settled on approximately 1,400,000 acres of the leased land. Upon complaint, the Government recognized the title to the land as belonging to the Choctaws and Chickasaws, and in 1893 paid them the proceeds from that part of the leased land which had been settled by the Cheyennes and Arapahoes.

The Government further recognized the title as belonging to the Choctaws and Chickasaws by taking the proceeds of the settlement of the white settlers on other parts of this same land and placing that also to the credit of the Choctaws and Chickasaws.

The remainder of this land, including over 5,000,000 acres, was settled by white settlers, but the Choctaws and Chickasaws have never received payment therefrom, and the Government claims that the title does not belong to them, inasmuch as they "ceded" it to the United States in the treaty of 1866.

The claim for reimbursement for this so-called leased district is one which the Choctaw and Chickasaw Indians have been urging against the Government for many years. The Supreme Court admitted that the Indians had been treated unfairly, but said the court could not change the law, neither could it interpret the word "cede" to mean "lease," and that it was up to Congress.

My predecessor was interested in this claim and tried to get a direct appropriation in settlement during his 20 years in Congress, and I have been interested in it since I became a Member three years ago.

The bill under consideration, which I introduced in the House, authorizes the Court of Claims to act as a fact-finding body, inquire into and report to Congress whether or not the consideration paid for the lands involved was fair and just to the tribes, and, if not, whether the United States should pay additional compensation therefor; and if so, what amount should be paid.

In the name of humanity's sake, let this glorious Government of ours avoid the accusation of dealing unjustly with the red men who first inhabited this country. Let it be no longer said that the Government has confiscated this property of the Choctaws and Chickasaws without fair compensation. These Indian people resent being buncoed or fooled on this proposition any longer and have just about come to the conclusion that the Government does not now and never has intended to give them justice where justice is due. What a pity that such an opinion should reign among them!

As I have heretofore repeatedly stated on the floor of the House, in the committee and throughout my district, I am convinced the thing that Congress should do is pass a direct appropriation to pay these Indians in per capita payments the amount they are asking for confiscation of this land. Since, however, Congress seems determined not to do that, I plead with you to be fair enough to pass this bill without delay, which puts this whole question in the hands of the Court of Claims for investigation and recommendation.

Nothing is settled until it is settled right. All we are asking for in this bill is for the Court of Claims to fully and impartially investigate the facts as to the equities involved and make a report of its findings to Congress. Surely no fair-minded man can object to that. Surely these Indians are entitled to that much consideration. These people have been patient and long suffering. Let the facts be given fully and accurately to Congress. Then, and only then, will they have any reason to be satisfied.

Now, I hope this bill will be passed this afternoon instead of going over without prejudice, as has been suggested. Time is short and the Indians are waiting, as they have waited for many years. I plead with you not to postpone action any longer on this bill.

The SPEAKER pro tempore. The question is on the request of the gentleman from Michigan that this bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. GARBER] be permitted to address the House for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. Two minutes of which I shall yield to the gentleman from Wisconsin. I call the attention of the gentleman from Michigan to the rule laid down in the bill which complies with the suggestion that he has made with reference to the evidence. It provides that the court shall also hear, examine, and report upon any claims which the United States may have as an offset against said Indians, but that any payment which may have been made by the United States upon such claim against the United States shall not operate as an estoppel but may be pleaded as an offset. This is a star copy of the bill from which I read, and the bill the gentleman has does not contain this provision.

Mr. CRAMTON. The bill I have is one which I obtained from the document room and it provides:

> Payment or payments which have been made by the United States upon any such term or terms shall not operate as an estoppel.

Just whether that limits the claims, I am not sure, but I would like to know.

Mr. GARBER of Oklahoma. The amendment incorporated in this bill is clear and definite. It covers the exact proposition the gentleman raises in the bill.

Mr. CRAMTON. The gentleman's bill reads differently from mine.

Mr. GARBER of Oklahoma. This is a star copy.

Mr. CRAMTON. I did not know there was a star copy. The one I have I obtained from the document room. I think it is best that the bill go over so that we will have a chance to read the bill if we are going to consider it.

Mr. GARBER of Oklahoma. Does the gentleman take into consideration that his objection here will prevent any further consideration of the bill?

Mr. CRAMTON. I do not think that is necessarily true. In view of the fact that evidently a different bill is to be considered from the one furnished me, I do not think the gentleman ought to urge me.

Mr GARBER of Oklahoma. But we are not responsible for the delinquencies of the document room. The investigation of this matter has been carried on and completed by the Senate committee and the Senate has passed the proposed measure with the exception of the provision I have referred to. The bill does not change the legal relations of the parties, but simply directs an authorized agency to investigate and report its findings to Congress; neither does it authorize the appropriations of any money.

Mr. CRAMTON. I have no desire just to delay, and when this is reached again, and I hope it may be at this session, I shall be prepared to express myself definitely.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

MAIL TRANSPORTATION BY MOTOR VEHICLE

The next business on the Consent Calendar was the bill (H. R. 12412) authorizing the Postmaster General to permit railroad and electric-car companies to provide mail transportation by motor vehicle in lieu of service by train.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. COLLINS. Reserving the right to object, Mr. Speaker, railroad and street-car companies under this bill are authorized to use motor vehicles over highways in the transportation of mail and charge therefor the same rate that the Government is now paying for transportation of the mail by rail. In other words, they will become similar in all respects to star routes, and therefore I think they should be required to secure these bids upon competitive conditions, just as star-route contracts are now let.

Mr. SPROUL of Illinois. If the gentleman will yield, I think I can explain that to his satisfaction.

Mr. COLLINS. Unless the gentleman is willing that these contracts shall be let under similar competitive conditions, I shall have to object.

Mr. SPROUL of Illinois. The contracts to be let are similar to those made with the railroads.

Mr. COLLINS. But they will be engaged in the same line of work as other persons and concerns operating motor vehicles in the transportation of mail, and the Post Office Department should treat them all alike.

Mr. SPROUL of Illinois. Some railroads have automobile service and trains have been taken off. I know some routes in the district I have the honor to represent where the mail trains are taken off, and the patrons do not get their mail until the afternoon.

Mr. LAGUARDIA. The contracts are made to the railroads, and then the bill would permit the railroads to transport the mail by motor vehicle.

Mr. COLLINS. Under the same contracts?

Mr. LAGUARDIA. Yes. Some provision ought to be made by which the Government shall get the benefit of the decreased cost of transportation.

Mr. KELLY. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. KELLY. We are, under this bill, simply carrying on the practice now in vogue and which will go on until 1931.

Mr. COLLINS. If I am the owner of a motor vehicle and wish to carry a star route, I secure that route by bid in open competition with everybody else. The railroads should be required to get a star-route contract under identical conditions.

Mr. KELLY. Of course the gentleman understands that some trains are still carrying mail. Suppose we do not put this mail on the motor busses. The railroad carries it on later trains and gets paid for it. They get no more compensation by bus than they get now by the mail train.

Mr. STAFFORD. We pay the railroad for one character of service by railroad. Then the railroad discontinues the train because it has not sufficient patronage and adopts another method. Why should we pay the star route for the same service when we can get the same service at a cheaper rate?

Mr. SPROUL of Illinois. You will here pay twice as much as the motor buses carry them for.

Mr. STAFFORD. The railroad rates are so indefinite that we do not know what the rates are. We do know when they ask for competitive conditions under the star-route service.

Mr. LAGUARDIA. The gentleman knows that the rates made by the railroad are made on the basis of the capitalization, but on the motor bus it will certainly be much cheaper.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman.

Mr. O'CONNOR of Louisiana. It may be irrelevant to the subject of this bill, but can the gentleman tell us when the Capper-Kelly bill will be taken up in the House?

Mr. KELLY. I did not catch the question of the gentleman.

Mr. O'CONNOR of Louisiana. I think the question is somewhat irrelevant, but will the gentleman from Pennsylvania tell us when the Kelly-Capper bill will be taken up?

Mr. KELLY. I wish I could answer exactly as to when that bill will be taken up. A special rule for its consideration is pending, and I believe we will have an opportunity to consider it before the week is ended. I have every assurance as to that.

Now the gentleman from Mississippi understands that the rates fixed by the Interstate and Foreign Commerce Committee are less than the rates that could possibly be secured through bids for the carrying of the mail by a short-line motor bus?

Mr. COLLINS. I seriously doubt that. I have an amendment which I hope the gentleman will accept. On page 1, line 6, after the word "train," strike out the rest of the bill and insert the following: "*Provided*, The railroad or electric-car company is the lowest and best bidder after proper advertisement, and in no case at a rate not in excess of the rate that would be allowed for similar service by railroad or electric car, payment therefor to be made from the appropriate appropriation for railroad transportation and mail messenger service or electric and cable car service."

Mr. KELLY. I understand that by that amendment anyone would be able to bid?

Mr. COLLINS. Absolutely.

Mr. KELLY. And the railroad that makes the lowest bid will get the contract?

Mr. COLLINS. Yes.

Mr. KELLY. Why should there be a provision that they must pay lower than the rate now paid?

Mr. COLLINS. Because that provision was in this bill.

Mr. KELLY. That is quite a different thing.

Mr. COLLINS. I just left in what the committee had in it. In other words, I am amending it as little as possible.

Mr. KELLY. If you were to put a railroad company in the position of competing absolutely anew on every contract and let them bid against anybody and let the lowest bidder take the contract——

Mr. COLLINS. I have no objection to that.

Mr. LAGUARDIA. That is the very purpose we are seeking to achieve here.

Mr. COLLINS. Absolutely.

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. STAFFORD. Does the department to-day not have the right to let the carriage of mail by motor busses when there is not any train for that service?

Mr. KELLY. Certainly.

Mr. STAFFORD. Then there is no necessity for the amendment offered by the gentleman from Mississippi.

Mr. KELLY. No. I will say to the gentleman that the situation is that the Post Office Department now is putting the mail on motor busses operated by the railroad companies where the trains are taken from the service, paying at the rate now paid.

Mr. LAGUARDIA. That is at the rate paid for rail transportation?

Mr. KELLY. Yes; which in most cases is much less.

Mr. STAFFORD. The gentleman is assuming much when he says it is less.

Mr. KELLY. For instance, the rate is 37 cents a mile for an entire car, and, it would be in proportion lower than by motor bus, through contract.

Mr. STAFFORD. I ask unanimous consent that the bill be passed over without prejudice for the time being.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

SALARIES OF OFFICERS AND MEMBERS OF METROPOLITAN POLICE FORCE AND FIRE DEPARTMENT, DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I present a conference report on the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2370) entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with amendments as follows:

Page 4, line 8, of the engrossed House amendment, after the word "any," insert the word "of."

Page 4, lines 12 and 13, of the engrossed House amendment, change the word "deduction" to read "deductions."

Page 4, line 16, of the engrossed House amendment, after the numeral "6," strike out the language down to and including the word "and" on line 19.

Page 4, line 21, of the engrossed House amendment, after the word "allowance," insert the words, "heretofore and."

And the House agree to the same.

CLARENCE J. McLEOD,
E. M. BEERS,
JOSEPH WHITEHEAD,
Managers on the part of the House.

ARTHUR CAPPER,
W. L. JONES,
J. M. ROBSION,
CARTER GLASS,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate recedes from its disagreement to the amendment of the House, which struck out all after the enacting clause and inserted a substitute, with four amendments. The first two amendments correct clerical errors. The latter two amendments modify section 6 of the House amendment relating to pensions. As approved by the House, the section stipulated that no pension increase should be paid any person now retired as a result of the salary increases in the bill, and that the Commissioners of the District should have power to fix the amount of pension to be paid any hereafter retiring. The modification agreed upon by the conferees has the effect of empowering the Commissioners to fix the amount of pension for those now retired and those hereafter retiring.

CLARENCE J. McLEOD,
E. M. BEERS,
JOSEPH WHITEHEAD,
Managers on the part of the House.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. CRAMTON. Reserving the right to object, what bill is this?

Mr. McLEOD. It is the pay bill for the policemen and firemen.

Mr. STAFFORD. Will the gentleman give the House a brief statement of what has been agreed to in conference?

Mr. McLEOD. The House amendments have all been accepted.

Mr. STAFFORD. After this long contest between the two bodies, everything has been agreed to except one amendment. What is that amendment?

Mr. McLEOD. A small change in what was called the step-up arrangement of the privates' pay, the pay of the noncommissioned men of the police department, which is satisfactory to the police department.

Mr. STAFFORD. The pay of the men in the police and fire departments is substantially the same as passed in the House bill?

Mr. McLEOD. Substantially the same; yes.

The SPEAKER. Is there objection?

There was no objection.

The conference report was agreed to.

BRIDGE ACROSS ST. CLAIR RIVER NEAR PORT HURON, MICH.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that a respectful message be sent to the Senate for the return of the bill (S. 4722) creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of an order which the Clerk will report.

The Clerk read as follows:

Ordered, That the Senate is respectfully requested to return to the House of Representatives the engrossed bill of the Senate (S. 4722), entitled "An act creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," together with the enrolled bill thereof.

Mr. STAFFORD. Reserving the right to object, the House the other day, at the instance of the gentleman from Michigan, passed a Senate bill.

Mr. CRAMTON. Yes.

Mr. STAFFORD. What is the deficiency or error in the Senate bill which the gentleman desires to have brought back to the House?

Mr. CRAMTON. It is desired to have it brought back to the House so that the House may consider an amendment to the bill because of circumstances which have developed since the bill was passed by the House.

Mr. STAFFORD. What character of amendment?

Mr. CRAMTON. The bill provides a limit as to the rate of interest, which, in view of certain committee amendments, I am told is likely to make it impossible to finance the proposition under those conditions.

Mr. STAFFORD. There is no objection on my part.

The SPEAKER. Is there objection?

There was no objection.

The order was agreed to.

POST-OFFICE BUILDING AT NAPOLEON, OHIO

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the second deficiency bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THOMPSON. Mr. Speaker, the second deficiency bill that has just passed the House of Representatives has a significance and satisfaction for me that no one of the other appropriation bills I have helped to pass in this Congress or preceding ones can approach. The source of this satisfaction is the knowledge that there is tucked away among the items of that bill an appropriation of $90,000 for the construction of a new post-office building at Napoleon, Ohio.

Napoleon does not give its post-office receipts comparable with the large towns and cities which up to this time have been the only ones provided for, and it may puzzle some of you to account for the fact that Napoleon has been granted a new post-office building. I shall be glad to explain the point.

When I first came to Congress, in 1919, I found that Napoleon's post-office accommodations were away short of the necessities of the situation, and that the town was struggling along as best it could with inadequate facilities. In an effort to hasten Federal action, the town had donated to the United States a tract of land to be used as a site for a new post-office building. The Government held this site when I came to Congress. However, at that time the Great War had just ended. Retrenchment and economy was the watchword, the slogan, and the policy of the United States. Naturally, a strict rule was adopted that no public buildings would be built for an indefinite period. Notwithstanding this fact, I introduced a bill to grant Napoleon a new building, which failed because of the above circumstances, and because I was a first-term Congressman.

Just when it appeared that I would be able to secure passage of such a bill at the next Congress, after a similar bill had failed during my second term, the Public Buildings and Grounds Committee brought out a bill to place all authority for the allocation of public buildings in a joint committee of the Post Office and Treasury Departments. I opposed this bill, knowing that if it became a law the smaller communities, such as Napoleon, would be ignored for years. However, it passed by a narrow margin.

This new setback was a great discouragement to me, but there was only one thing to do, and that was to keep on trying. Not knowing the situation, or caring to know it, possibly, my political enemies made a joke of my efforts and belittled me.

In the face of all this, I centered my efforts upon the members of the joint departmental committee. That committee adopted, as one of its first steps, the policy of allotting new buildings in accordance with size of postal receipts. It was necessary to break down this strict policy in some way, and I used the fact that the Government owned a site at Napoleon with good effect. I sometimes think also that Napoleon was included in this last appropriation by the authorities as a defense measure against my constant visits to them on this subject.

The appropriation should have been made several years ago, for the need in small towns is just as sore in proportion as it is in the centers of population. The act of placing authority in the two departments delayed this appropriation several years, as I foresaw.

Now that Napoleon is cared for, there is similar work to be done for several other towns in the fifth district, where the need for a new building is great. One of these, in the northern part of the district, is well under way, and I expect to accomplish results there in the near future.

ORDER OF BUSINESS

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. STAFFORD. I see the gentleman from New York [Mr. SNELL] on the floor. Will the gentleman kindly inform the House what legislation is to be considered to-morrow?

Mr. SNELL. I shall be glad to do so. To-morrow we are going to take up House Joint Resolution 258, which provides for a special investigating committee to take charge of the investigation of campaign expenditures of various candidates for the House of Representatives, and also Resolution 264, which provides for the consideration of the copyright bill.

Mr. GARNER. Will they be taken up in the order mentioned?

Mr. SNELL. Yes.

Mr. SCHAFER of Wisconsin. Will the investigating resolution be broad enough so that the committee can investigate the expenditures of Politician Cannon in the last presidential election?

Mr. LAGUARDIA. If he runs for the House of Representatives.

Mr. SNELL. If he runs for the House of Representatives, they can.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. COCHRAN of Missouri. Last week, I believe, the Committee on Rules reported a rule to consider what is known as the Kelly-Capper bill. Can the gentleman give us any information as to when that bill will be considered?

Mr. SNELL. I can not tell the gentleman now.

Mr. GREEN. Is it probable we will have another Private Calendar day?

Mr. SNELL. That is pretty hard to answer. However, I think we will clean it up before we get through, taking a part of a day or some night.

Mr. McDUFFIE. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. McDUFFIE. Can the gentleman give us any information as to when the House may have an opportunity to pass on the rivers and harbors bill?

Mr. SNELL. We have nothing before us as yet. When you get your conference report in we will take it up.

Mr. McDUFFIE. That is the very thing I am complaining about. The Committee on Rivers and Harbors directed the chairman last Saturday to call the bill up; that is, to ask unanimous consent to take it from the Speaker's table and agree to the Senate amendments and to use all other parliamentary means for quick action. He was directed to do it on Saturday, and it was not done. It was suggested it should lay over until Monday in order to give the Members of the House an opportunity to study the amendments. Now, Saturday, Sunday, and Monday have passed, and the chairman of the committee is not even on the floor, and I thought perhaps the gentleman, an outstanding member of the administration, could give us some information as to why this unnecessary delay?

Mr. SNELL. I can not give the gentleman any information as to that, but I will give the gentleman my view as to what I think should be done. I do not think the House should agree to amendments, without any consideration, which increased the appropriations from $27,000,000 to $30,000,000.

Mr. McDUFFIE. But we have had since Friday evening to do that—three days.

Mr. SNELL. The House is not to blame because the chairman has not brought this subject before the House. I think the thing to do is to follow the regular course as in any other legislation. Send the bill to conference and then let the conferees present their report in the usual way.

Mr. McDUFFIE. Why, then, can we not have the conference? What is the cause for the delay? The rivers and harbors bill is certainly one bill which the country wants and demands, and the President has said time and time again he favored such legislation.

Mr. SNELL. The gentleman from New York has no doubt that the rivers and harbors bill will be passed.

Mr. McDUFFIE. When, may I ask?

Mr. SNELL. I have not seen the chairman of the committee, and I do not know what his plans are.

Mr. McDUFFIE. I had hoped the chairman of the committee would be here to carry out the instructions of his committee.

Mr. SNELL. I have trouble enough in answering what I am supposed to know about.

Mr. GARNER. May I suggest to the gentleman from Alabama that in view of the fact that the chairman is not here to carry out the wishes of the committee that he ask unanimous consent that the bill be taken from the Speaker's table and at least sent to conference, so there may be an opportunity for the House conferees and the Senate conferees to consider the bill.

Mr. SNELL. I do not think that is a good suggestion, and I should object to such a request.

Mr. GARNER. I should imagine the gentleman would object, but I made that suggestion in view of the fact that the chairman of the committee is not here to make the request himself.

Mr. SNELL. I have no objection to the bill going to conference at the earliest possible moment, and as far as I know no one is going to object.

Mr. McDUFFIE. So far as the House committee is concerned, it is satisfied with the Senate amendments. It has unanimously voted to agree to them.

The Senate did add to the bill about $24,000,000, but this bill is not an appropriation bill; it only provides authorizations for money to be expended over a period of years.

Mr. SNELL. Does the gentleman think we ought to agree to that without even reading the amendments? The gentleman has been asking me questions, so I now ask him that question.

Mr. McDUFFIE. Very well. But does the gentleman think everybody in the House is going to read the amendments, even if we held this bill two weeks?

Mr. SNELL. No; but I do think an opportunity should be given for their consideration.

Mr. McDUFFIE. The House committee has considered them. The House committee has read the amendments and, as I have said, we are satisfied with them. I think the House is ready to agree to them.

Mr. SNELL. As far as I am concerned I should not be willing to agree to these increases without having an opportunity to consider them, increases which run into the millions of dollars.

Mr. McDUFFIE. Can the gentleman give us any suggestion as to when the chairman of the committee will come on the floor?

Mr. SNELL. I told the gentleman I had not seen him, so I can not tell the gentleman about that.

Mr. GARRETT. Has the gentleman any information as to his whereabouts?

Mr. SNELL. I am responsible for almost everything, but I am not responsible for the whereabouts of the chairman of the Rivers and Harbors Committee at the present time.

Mr. McDUFFIE. If we are going to conference we ought to go at once, in order to save time. The Congress will doubtless adjourn in a few days, and I fear we will have no rivers and harbors bill during this session, and many Members are very anxious about this unnecessary delay.

Mr. SNELL. I am perfectly sure Congress will not adjourn until we have a rivers and harbors bill.

Mr. McDUFFIE. I am glad to hear the gentleman say that.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN

The next business on the Consent Calendar was the bill (S. 3691) to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, this bill is——

Mr. LEAVITT. Is the gentleman going to object?

Mr. JENKINS. I expect to object.

Mr. LEAVITT. Then I shall demand the regular order.

Mr. BOX. Will the gentleman yield a moment?

Mr. JENKINS. I yield.

Mr. BOX. Mr. Speaker, under a reservation of objection, I ask leave to extend my remarks by inserting the minority views on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

MINORITY VIEWS

After all of the circumlocution employed in this bill is eliminated and its plain meaning is ascertained, its purpose it to admit an immigrant plainly excluded by the law, because of the power and influence of that immigrant's connections. The facts and record of the handling of this particular immigrant's efforts to procure admission and her rejection and the reasons for her rejection are fully and clearly stated in a statement made by the State Department to members of the House committee, who called upon that department for information, in the document copied in this report. Members should refer to it for the facts.

The bill should not be passed, first, because it sets the bad precedent of admitting by special act of Congress an individual alien in spite of the provisions of the immigration laws. Some 2,000,000 aliens are on the waiting list in foreign countries now, most of whom must be rejected, many of whom have relatives and friends here and have the same right to obtain admission by special act which is now accorded to this applicant. I am advised that this is not the only bill of this kind now pending in Congress. If this bill is passed, no Member will be in good position to refuse to introduce a bill providing for the admission of other inadmissible aliens whose friends and relatives ask that privilege. This will be especially true of all Members supporting this bill.

Second, this alien was first granted the special privilege of a special preliminary examination by the United States consul. It was found that she was not entitled to admission. The State Department appears to have properly and firmly enforced the law in her case in the face of powerful political pressure. Thereafter, an effort was made to procure her admission by an appeal to the courts, which, from the court of first instance to the Supreme Court of the United States, denied the extraordinary privilege she sought and upheld the officials in their proper enforcement of the law.

The statement of the State Department made to members of the House committee is as follows:

JANUARY 20, 1930.

Replying to your letter of January 11, 1930, I may give the following information concerning the case of Anna Minna Venzke Ulrich:

From the records of the department it appears that John Munsill Ulrich prior to his marriage to Anna Venzke endeavored to ascertain whether she would be able to obtain a visa after the marriage had taken place. In view of the unusual circumstances in the case, the consul general at Berlin permitted Miss Venzke to be given an informal advance examination with a view to determining whether it was likely that she would be able to establish her admissibility under the immigration laws.

Following the examination, Mr. Ulrich was informed that in all probability Miss Venzke would be unable to obtain an immigration visa in the event that she were later to apply for one.

Although Mr. Ulrich was warned in advance regarding the difficulty to be anticipated in bringing his wife to this country, he apparently did not alter his plans on this account, and on December 17, 1927, his marriage to Miss Venzke took place.

After the marriage, Mrs. Ulrich applied for a nonquota immigration visa, which was refused upon the ground that the record in her case showed that she had been convicted in four instances of offenses involving moral turpitude, to wit, larceny in three cases and abetting a forgery in another case, and was accordingly inadmissible to the United States under the provisions of section 3 of the act of February 5, 1917, which excludes from the United States "aliens who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude." In this connection it may be stated that section 2 (f) of the immigration act of 1924 requires a consular officer to refuse an immigration visa to an alien who he knows or has reason to believe is inadmissible to the United States under the immigration laws.

Subsequently, Mr. Ulrich brought mandamus proceedings to compel the issuance of a visa to Mrs. Ulrich. The Court of Appeals of the District of Columbia in United States ex rel. Ulrich *v.* Kellogg et al. (30 F. (2d) 984) determined that Mrs. Ulrich remained an "alien" notwithstanding her marriage to a citizen of the United States, and affirmed the decree of the Supreme Court of the District of Columbia overruling the application of Mr. Ulrich for a writ of mandamus. Chief Justice Martin, in rendering the opinion of the court, cited the case of Bartos *v.* United States District Court for District of Nebraska et al. (F. (2d) 722), in which it was held that "* * * Theft, whether it be grand or petit larceny, involves moral turpitude * * *." It may be of interest to note that the Supreme Court of the United States in United States ex rel. Ulrich *v.* Stimson (279 U. S. 868) denied the petition of Mr. Ulrich for a writ of certiorari to the Court of Appeals of the District of Columbia.

If the information given above does not serve the purposes which you have in mind, the department will be glad to furnish any further particulars you may desire regarding the case.

Sincerely yours,

J. P. COTTON, *Acting Secretary.*

After the consul, the State Department, and all of the courts to which her powerful friends could appeal have applied the law to her case, it is now proposed that Congress shall override the actions of all these and admit her. There is no justification for such action. The bill should not pass.

JOHN C. BOX.

Mr. GREEN. Further reserving the right to object, in those minority views, I am glad to say there were several that concurred, and I am among them.

Mr. LEAVITT. Mr. Speaker, in view of the fact there is no opportunity for a fair debate on this measure under the Consent Calendar rules, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. BOX. I object.

PURCHASE OF MOTOR-TRUCK PARTS

The next business on the Consent Calendar was the bill (H. R. 12285) to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like some information. This is to permit the Postmaster General to buy truck parts from manufacturers without the customary advertisement. The idea of this seems to me to be all right, but I recall that in recent income-tax cases it has been held by the Federal courts, I believe, that parts would include a battery, for instance, and this would permit the department to buy batteries without advertising. As a matter of fact, one battery would serve perhaps as well as another. Is it the idea of the gentleman from Illinois that the authority here given should be as broad as that?

Mr. SPROUL of Illinois. No; it is simply for repair parts. They have a list price on all these repair parts.

Mr. CRAMTON. This revenue-tax decision seemed to me to go further than was justified, but inasmuch as we have these court decisions, would they not apply to this bill?

Mr. SPROUL of Illinois. I am not a lawyer and could not say.

Mr. CRAMTON. And permit them to buy a battery, for instance, without advertising.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. I think there is one saving feature in this bill and that is that the price must not exceed the truck manufacturer's list price.

Mr. SPROUL of Illinois. List price, less the discount.

Mr. CRAMTON. But sometimes when they advertise to buy a good many thousand batteries, for instance, they may get them at less than the list price.

Mr. SPROUL of Illinois. I do not think a battery is a part within the meaning of this proposed law.

Mr. CRAMTON. I thing the word was "accessories."

Mr. COLLINS. Yes; batteries are classed as accessories. I asked the General Supply Committee about this particular bill to-day and was advised that they advertised for accessories and carried accessories, but did not advertise for or carry parts. They make a distinction between accessories and parts.

Mr. KELLY. And this applies to parts.

Mr. CRAMTON. And a battery would be considered an accessory? Then I am willing to take a chance on it.

Mr. SPROUL of Illinois. I know that is right.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, from my personal knowledge I know the department has in its service many commercial automobile cars which are not trucks. Take, for instance, the old Ford model T commercial car, and the Ford car model AA, and the Chevrolet commercial car. Is it not as essential to have the department vested with authority to purchase parts for commercial cars as it is to purchase parts for the trucks? There is a distinction in the automobile trade between motor trucks and commercial automobile cars.

Mr. KELLY. If the gentleman will permit, I can explain that. The Post Office Department enters into contracts with letter carriers for the operation of the cars to which the gentleman refers. It does not operate them and, of course, does not buy parts for them.

Mr. STAFFORD. Oh, I know of my own knowledge that the department has purchased a great number of commercial cars and has them running around the streets in the screened-wagon service and in collecting the mail. They purchase those cars, or at least they did years back.

Mr. KELLY. Those screened wagons are trucks.

Mr. STAFFORD. I am speaking of the small commercial delivery car.

Mr. KELLY. Those are operated under contracts with individuals, employees and others.

Mr. SPROUL of Illinois. This bill only covers motor trucks.

Mr. STAFFORD. I was going to suggest extending the privilege to commercial automobiles.

Mr. SPROUL of Illinois. I do not think that is necessary. The department has not asked for that. We have covered here all the department has asked, and I think it is properly covered here.

Mr. STAFFORD. Then I will direct another inquiry to the gentleman. Why should the purchase of these motor-truck parts be limited to those motor trucks that have been purchased as a result of competitive bidding? Years back, or shortly after the close of the war, the department received many of the abandoned or nonused trucks of the War Department and they are still in use. It would seem essential that the department have authority to purchase parts for those trucks.

Mr. SPROUL of Illinois. They would have authority to purchase parts from the manufacturers for the trucks they have in service.

Mr. STAFFORD. You have a limiting clause here which says, "In the operation of motor trucks purchased as a result of competitive bidding." Those trucks were not purchased as a result of competitive bidding. Why the discrimination?

Mr. KELLY. If the gentleman will refer to page 2 of the report, he will find the reason for the amendment offered by the committee. The Postmaster General suggested the amendment which is included in this bill to cover the trucks bought from the War Department.

Mr. STAFFORD. Where is the language in the bill that covers that situation?

Mr. KELLY. The language is—

That whenever motor-truck parts are needed by the Post Office Department in the operation of motor trucks purchased as a result of competitive bidding, the Postmaster General—

And so forth.

Mr. STAFFORD. Yes; you are limiting the right of purchasing these parts of those trucks purchased under competitive bidding. The language of the bill limits it to those trucks purchased as the result of competitive bidding.

Mr. KELLY. I think the gentleman is right about his interpretation.

Mr. STAFFORD. I will withdraw the reservation and offer an amendment to strike out the words "result of competitive bidding."

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever motor-truck parts are needed in the operation of motor trucks purchased by the Post Office Department as the result of competitive bidding, the Postmaster General is hereby authorized to enter into agreements with truck manufacturers for the purchase of such truck parts at a price not exceeding the truck manufacturer's list price, less regular discounts, without advertising under such arrangements as in the opinion of the Postmaster General will be most advantageous to the Government.

With the following committee amendment:

Page 1, line 3, strike out the words "in the operation of motor trucks purchased."

Page 1, line 5, strike out the words "as the" and insert the words "in the operation of motor trucks purchased as a."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the committee amendment:

Line 5, strike out the words "purchased as a."

The amendment to the committee amendment was agreed to.

Mr. STAFFORD. I offer the following amendment:

Strike out the words "result of competitive bidding."

The Clerk read as follows:

Page 1, line 6, strike out the words "result of competitive bidding."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, since making the announcement a few moments ago as to what the program would be to-morrow, I find that we will not be able to take up the copyright bill. So I ask unanimous consent that, after disposing of the special investigation resolution, it shall be in order to continue the Consent Calendar, beginning where we leave off to-day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. SPROUL of Illinois. Reserving the right to object, I would like to ask the gentleman, what is the objection to taking up the Capper-Kelly bill?

Mr. LAGUARDIA. We want to finish the Consent Calendar.

Mr. SNELL. I thing we better let that go over another day.

Mr. SPROUL of Illinois. You can let it go over one or two days; I do not object.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARNER. I would like to ask the gentleman from New York a question: Does he anticipate that he will take a great deal of time to-morrow on this rule?

Mr. SNELL. That is up to the gentleman's side of the House. This side of the House will get through in less than three minutes.

Mr. GARNER. I simply asked the question so that Members might be here early to take up the Unanimous Consent Calendar.

ADDRESS OF HON. CARROLL L. BEEDY, OF MAINE

Mr. GARBER of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from Maine, Hon. CARROLL

L. BEEDY, at Bridgewater College, Bridgewater, Va., June 1, 1930.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The address is as follows:

COMMENCEMENT AND DEDICATORY ADDRESS

This is, indeed, a delightful and inspiring hour for us all. For the college it commemorates half the cycle of a century's existence. For the graduating class it marks the termination of prescribed academic study and entrance upon yet broader fields of endeavor. As for myself, it marks the first formal visit which it has been my privilege to make in Virginia, a State which is conceded to be one of the most renowned in our Union.

When my distinguished friend and your able, respected, and beloved Representative GARBER invited me to deliver the address at the dedication of this auditorium, both private and official duties argued my refusal. Yet the regard which I have for your Congressman and the hesitancy which was mine to deny him any request, inclined me to an acceptance. This inclination, coupled with the thought that my presence here would bring me into the closest of communion with the imperishable influences for national betterment and human service which have always emanated from Virginia soil, compelled my acceptance.

Thus it is that Maine now joins with Virginia in paying homage, not only to your immortal sons and daughters, but to this institution of learning which has furnished, and is furnishing, its rich contributions to the development of American manhood and womanhood.

It is indeed no mean heritage of character and achievement which has been left us by a Washington, a Jefferson, a Henry, a Madison, a Marshall, a Monroe, a Randolph, and a Lee. The mere utterance of these names stirs the pride and quickens the will to accomplishment of every good citizen. Nor is the source of our pride and desire to approximate the achievements of former generations limited to those great men whom I have mentioned. We should all remember, nor can any true Virginian forget, that the military genius of a Lee, the fervent eloquence of a Henry, and the giant intellect of a Marshall would have been lost to Virginia and the Nation had not each of these men been blessed with a rare ancestry culminating in that most precious possession, a self-sacrificing and loving mother. The names of Mary Ball, mother of Washington; Sarah Winston, mother of Patrick Henry; Mary Isham Keith, mother of Marshall; and Anne Carter, mother of Robert E. Lee, will never fail as an inspiration to American womanhood.

Surely, Virginia and the Nation have lost nothing of their power to reproduce a Dolly Madison and a Sarah Jay. Both embodied the broadest culture, the purest character, and the soundest sense of ideal American womanhood. Each renowned for her physical beauty, attained the highest social distinction. Each married a Virginian who gained an international reputation. No more striking tribute was ever received by an American woman than by that famed daughter of Virginia, Mrs. John Jay, who, with her husband upon his mission to France, having entered a French theater, was greeted by the audience, which rose en masse, mistaking the wife of the American diplomat for their beautiful queen, Marie Antoinette.

Reference to these distinguished men and women of a former day and generation may not be amiss upon this occasion. If they achieved distinction, why not you? None of them enjoyed the advantages which you enjoy to-day. By how much more then may the present generation eclipse the past? The future possibilities of individual development and personal attainment are practically without limit. The boy or the girl of to-day who is graduated from this seat of learning, if but a portion of daily opportunities has been improved, is far better equipped to solve the problems of the future, to serve himself and his fellow men, than was the youthful Washington, Marshall, or Lee.

In the early days of these great men there was not in all Virginia a college building which could compare in beauty and facility for common usefulness with this auditorium. Dr. Charles Knox Cole, in whose memory this building is given, is but one of many who in more recent days has demonstrated what the individual can accomplish for himself and others if he but possesses the will to do and the ambition to excel. He was not content to follow the example of the average. He not only availed himself of the best educational facilities in his own country, but his aim was so to perfect himself in professional skill and knowledge that he might tower above the ordinary. He, therefore, had recourse to the great colleges of medicine in Berlin, Paris, and Vienna. Honored at home and abroad, beloved by all who came to know him, he made smoother the rough ways of life for others. So beloved indeed was he by his own that his daughter, Virginia Garber Cole, responding to the urge of generosity, affection, and loyalty, has presented this institution, a memorial to her father, which shall serve not only the present but succeeding generations.

The generosity of Virginia Garber Cole is but a lone illustration of what is being done by the great and true of this Nation for their fellows. So long as we shall thus reinforce our institutions of learning and so long as we shall train the minds of youth for high achievement—not in the spirit of self-service but in the spirit of general betterment—so long shall our social order endure.

We face many dangers in the exigencies of the hour, but among the greatest is the possible failure of the present generation to perceive the necessity for diligence and the improvement of ever-present opportunity. There is so much which is available for the mere enjoyment as well as for the enrichment of the present, so much that has come down to us without any effort or sacrifice on our own part, that we are in danger of being surfeited with things and consumed with the desire for pleasure. The impelling forces of modern life threaten to bear along in their currents the great majority who perceive little of the real trend with its attendant consequences and who care less.

The genius of man has showered us with uncounted conveniences which yesterday were viewed as impossible but to-day are looked upon as a mere matter of course. The human voice is projected through the ether; oceans are spanned and continents bound together by the spoken word without any visible or tangible means of contact. What was viewed as the insane dream of an Edward Bellamy has become a commonplace reality, and even in the humblest home we press a button and listen to symphonic strains removed in distance by hundreds of miles. Man has mastered what were but yesterday unknown and hidden forces of the universe and now bends to his will the dynamic and compelling power of electrical energy. He defies the laws of gravity, mounts the heavens and eclipses the speed of the fleetest bird. Fulfilling the dreams of a Jules Verne, he traverses the depths and explores the teeming mysteries of the boundless seas. He has multiplied ad infinitum those mechanical contrivances which make life soft and easy of living and in another field he has contrived and perfected the powerful machines which by nicety of operation and control, accomplish at his will the almost momentary destruction of entire cities.

What is the end to be? Is not the great danger that unless the mind and purpose of coming generations be properly trained and their benevolent impulses sufficiently stimulated, I repeat, is not the great danger that the instruments of man's genius may in the end be turned upon him to work his own ruin? Surely, the continuing necessity of education is perceived by all.

Education, it is clear, is but a means to an end. Its aim is to fit the individual to find his rightful place in the social order and do to the best of his ability his chosen work. And it would seem important that our educational institutions should aim to impress our youth with the idea that the success of the individual is not to be measured by the money which he accumulates. All too frequently money is acquired through an utter disregard of the rights of others. Such acquisition finally destroys all that is really worth possessing. What do we mean by this?

There are two essential rights of which every educated man and woman in particular should never lose sight. They are the right to the broadest possible measure of individual freedom and the fullest measure of individual justice. When wealth in general is procured in disregard of the rights of others, individual freedom and justice are destroyed.

But let us consider the aim of education still further. To fit the individual for his place in society, a college education should equip him to meet his individual responsibilities under government. This must be clear because without government there can be no such thing as ordered society.

To-day we lead the world in a great experiment of self-government. We are attempting to deny in practice the theory of government which obtained for centuries and to which many still adhere. The old theory was that the many were incapable of governing themselves; that a few comprising an aristocracy, not an aristocracy even by fitness, but an aristocracy by birth, should govern the many.

We are attempting to prove that the many can govern themselves. If we are to succeed in our experiment, if the people are to govern wisely, it is clear that the average individual should not only be able to select fit persons for high places, but that there should be trained men and women able and ready to meet the responsibilities of leadership. To this end it would seem essential that our educational institutions should insist upon the duty of every educated person to give to society, to government, more than he takes. This is the only correct standard. If we hold to it we shall not have lived in vain. He who observes it fortifies himself in his own rights and strengthens the guaranties of freedom and justice—present and future.

Our Government is frequently referred to as a democracy. It is, however, only a modified form of democracy. Under a democracy the people not only possess but they directly exercise all power. Under our Government the people possess ultimate power, but they elect representatives to exercise it. If it be not an inconsistent use of terms, our Government, therefore, may be called a representative democracy. Surely the education of the coming generation to better insure the perfection of a representative democracy in this country is a work of the highest order.

Representative democracy embodies the essential features of the truest socialism. It regards the individual not as a mere means to an end; it

regards the individual as the end itself; it aims for his fullest development, for his highest advancement. It seeks to give power to those most deserving and best fitted to wield it. Thus our Government would protect each one of us not only in his own right to earn and enjoy the bread of life, but in his right to enjoy homes, friends, schools, and churches without hindrance by those who are blind with avarice for wealth and power.

Our institutions of learning exercise a most vital influence on the general mind or thought. And do not forget that it is the thought of men and women to-day which is to move the world to-morrow. The proper direction of thought by our schools and colleges is of supreme importance. It is within their power to mold and train American youth either for builders or for destroyers of society. Surely we have a right to expect of our colleges that they infuse their students with an understanding of the truth. That truth, among other things, embraces the tenet that however much of knowledge the individual may acquire, he is a failure if he seeks only to serve himself and loses the broad opportunity for service to others. For such service one finds ample opportunity in public life.

This community, this State, and this Nation have a right to look for upbuilding leadership in the ranks of those who have sojourned in the halls of learning. Of right your fellow men look to you of Virginia, who are privileged to graduate from this institution of learning. They have a right to expect, and they do expect, that you will not only understand how to perform the tasks which you shall undertake, but that you shall in the performance of your duties, labor not with the idea of enriching yourselves, but with the idea of making yourselves useful—yes, indispensable, to the well-being of others.

Had I a message for the coming generation, this I would give: Shun wealth as an objective; avoid invention and machination for financial returns. Seek to create only that which makes for general health, security, and contentment. Profit by the sad example of that self-seeking in the past which has destroyed the happiness of man, blotted the pages of history with futile warfare, and plunged nations to destruction.

This, if I had advice to give, would be the last and utmost of wise counsel. In the fourth chapter of Proverbs we are enjoined in the following terms:

"Take fast hold of instruction; let her not go: keep her; for she is thy life.

"Get wisdom, get understanding: * * * wisdom is the principal thing; * * * exalt her and she shall promote thee; she shall bring thee to honor, when thou dost embrace her."

No nobler words were ever penned. I cite them in order that in closing I may impress upon you a fundamental distinction between a common misunderstanding of the purpose of education and the real purpose of study and learning.

If a college course has resulted merely in storing the mind with a diversified accumulation of facts, then the course of instruction has failed. Knowledge is not the main objective of instruction. The author of the Book of Proverbs emphasizes this point. He tells us that "wisdom is the principal thing" and he enjoins us to get wisdom. And wisdom is but another word for understanding.

The instruction given by educational institutions, 'tis true, necessarily deals with an accumulation of facts. But those facts are presented first in one light and then in another. They are oftentimes rearranged. They are thrown upon the screen, as it were, for study—first in one combination and then in another; all to the end that the human mind may be able to pick up disjointed facts, estimate their correlated values, and build with them a harmonious whole. To this end understanding or wisdom is essential. It results not only from the processes of pure reason. It partakes also of the human emotions—sympathy, imagination, and foresight.

If the college graduate of the future is to meet and fill the great need of the hour, he must not only have knowledge of facts but he must have an understanding of men, of human needs, of human aspirations, of the universal kinship of men, and the ultimate purpose of the Creator. He must glimpse the divine plan which aims that from selfishness, misunderstanding, destructive contention, and error shall come unselfish concern, each for the welfare of the other, an unbroken bond of human fellowship, and that universal harmony born of an understanding of truth.

Let us have an understanding of that eternal truth that this world was created by an unseen power; that the various races which people it spring from the single and original source; that the hills, the valleys, and the seas of earth were designed equally for the life of all; and that contentment and understanding were designed as the universal heritage.

Let no narrow or provincial view turn us against any government or the establishment of any agency under government which will promote a better understanding—man of man and nation of nation. Let us strive with all the power of thought and example to the end that unbridled passion may no longer drench the world in blood, but that compassion and peace, the dream of the ages, may at length reign supreme.

As a powerful force in the attainment of our objectives, we look with the utmost assurance to the small college. As a helpful instrument in the realization of these purposes, we now dedicate this auditorium in the name of Dr. Charles Knox Cole, in the name of Bridgewater College and the State of Virginia, in the name of an all-embracing humanity.

RECOMMITMENT OF A BILL

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill H. R. 12549 to amend and consolidate the acts in respect to copyright be recommitted to the Committee on Patents.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill H. R. 12549 be recommitted to the Committee on Patents. Is there objection?

There was no objection.

LEAVE OF ABSENCE

Mr. CROWTHER (at the request of Mr. HANCOCK), by unanimous consent, was given leave of absence for three days on account of important business.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 304. An act for the relief of Cullen D. and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles;*

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 745. An act for the relief of B. Frank Shetter;

H. R. 3430. An act for the relief of Anthony Marcum;

H. R. 3764. An act for the relief of Ruban W. Riley;

H. R. 11050. An act to transfer Willacy County, in the State of Texas, from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district;

H. J. Res. 251. Joint resolution to promote peace and to equalize the burdens and to minimize the profits of war; and

H. J. Res. 311. Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931.

ADJOURNMENT

Mr. SNELL, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 24, 1930, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

567. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on Ausable River, N. Y., covering navigation, flood control, power development, and irrigation, was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers on the War Department (Rept. No. 2010). Ordered to be printed.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 12843. A bill granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washington; with amendment (Rept. No. 2011). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 12919. A bill granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry; with amendment (Rept. No. 2012). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. S. 4400. An act to legalize a pier constructed in Chasapeake Bay at Annapolis Roads, Md., and to legalize an intake pipe in Warren Cove, at Plymouth, Mass.; without amendment (Rept. No. 2013). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. H. R. 8534. A bill for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes; with amendment (Rept. No. 2014). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XXIII,

Mr. COCHRAN of Pennsylvania: Committee on Military Affairs. H. R. 5466. A bill for the relief of Thomas A. Ryland; with amendment (Rept. No. 2004). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 7780. A bill for the relief of June Harvie; with amendment (Rept. No. 2005). Referred to the Committee of the Whole House.

Mr. GRANFIELD: Committee on Military Affairs. H. R. 9247. A bill for the retirement of Arthur Maxwell O'Connor; with amendment (Rept. No. 2006). Referred to the Committee of the Whole House.

Mr. QUIN: Committee on Military Affairs. H. R. 9609. A bill for the relief of Llewellyn B. Griffith; with amendment (Rept. No. 2007). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs: H. R. 10402. A bill for the relief of Harry W. Boyd; without amendment (Rept. No. 2008). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs. H. R. 10403. A bill for the relief of John DuBois; without amendment (Rept. No. 2009). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 13110) to regulate the issuance of immigration visas during the fiscal year beginning July 1, 1930; to the Committee on Immigration and Naturalization.

By Mr. EATON of Colorado: A bill (H. R. 13111) authorizing the Secretary of the Interior to issue certain patents; to the Committee on the Public Lands.

By Mr. JOHNSON of South Dakota: Joint resolution (H. J. Res. 378) to permit the Dornier *Dox* flying boat to enter the United States free of customs duty under certain conditions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13112) granting an increase of pension to Eliza Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13113) granting a pension to Bettie Carr; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 13114) for the relief of Col. Richard M. Cutts, United States Marine Corps; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 13115) granting a pension to Cora D. McCart; to the Committee on Pensions.

Also, a bill (H. R. 13116) granting a pension to Henderson Howerton; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 13117) granting a pension to James McGuire; to the Committee on Invalid Pensions.

By Mr. GREGORY: A bill (H. R. 13118) granting a pension to Mattie Street; to the Committee on Invalid Pensions.

By Mr. LAMBERTSON: A bill (H. R. 13119) for the relief of Lyle O. Armel; to the Committee on Naval Affairs.

By Mr. LETTS: A bill (H. R. 13120) granting an increase of pension to Mary L. Baker; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 13121) for the relief of James W. Blair; to the Committee on Claims.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 13122) granting an increase of pension to Katie F. Finch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13123) granting a pension to Sarah Hammons; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13124) granting an increase of pension to LewElla McCorkhill; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM; A bill (H. R. 13125) granting a pension to Amy E. Hemenway; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 13126) granting an increase of pension to Elizabeth J. Goldthwait; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 13127) granting an increase of pension to Malinda Husband; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7629. Petition of First Street Ladislau Roman Catholic Hungarian Society of Cleveland, Ohio, urging Congress to lend its good will to Hungary in her efforts to regain her territories; to the Committee on Foreign Affairs.

7630. By Mr. EATON of New Jersey: Resolution of the New Jersey Society Sons of the Revolution, adopted at the annual spring meeting, proposing that a street or avenue in Washington, D. C., be named after the Comte and Admiral de Grasse, and that a monument or memorial of gratitude be erected on such street or avenue; to the Committee on the District of Columbia.

7631. By Mr. BRIGGS: Night lettergram, dated June 21, 1930, from H. G. Hamrick, chairman legislative department, Brotherhood of Railroad Trainmen of Texas, urging passage of Couzens resolution, S. J. Res. 161, and opposing House committee substitute; to the Committee on Interstate and Foreign Commerce.

7632. Also, night lettergram, dated June 22, 1930, from Past President J. T. Mears, Oleander Lodge, No. 70, Switchmen's Union of North America, Galveston, Tex., urging the passage of Couzens resolution, S. J. Res. 161; to the Committee on Interstate and Foreign Commerce.

7633. Also, communication, dated June 19, 1930, from W. Hooks, mayor, and J. F. Hall, president of Lion Club, Groveton, Tex., urging more extended building program, especially to relieve existing unemployment; to the Committee on Public Buildings and Grounds.

7634. By Mr. YATES: Petition of Joseph Lyman, post adjutant, American Legion, White Hall, Ill., urging the immediate passage of the Johnson bill; to the Committee on World War Veterans' Legislation.

7635. Also, petition of Frank Schromech, commander Troy Post, American Legion, Troy, Ill., urging Congress to pass the Johnson bill without amendment; to the Committee on World War Veterans' Legislation.

7636. Also, petition of Helen J. Levy, Forest Park, Ill., urging the passage of veterans' legislation before the adjournment of Congress; to the Committee on World War Veterans' Legislation.

7637. Also, petition of J. H. Walker, commander Pope County Post, No. 719, American Legion, Golconda, Ill., urging the passage of the Johnson bill at the present session of Congress; to the Committee on World War Veterans' Legislation.

7638. Also, petition of J. H. Malone, treasurer May & Malone, 37 South Wabash Avenue, Chicago, urging the defeat of House bill 11096; to the Committee on the Post Office and Post Roads.

7639. Also, petition of E. W. Johnson, 180 North Michigan Avenue, Chicago, Ill., urging the defeat of House bill 11096, a bill relative to increased postal rates; to the Committee on the Post Office and Post Roads.

7640. Also, petition of T. S. Hammond, president Whiting Corporation, Harvey, Ill., protesting the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7641. Also, petition of Percy Brine, 330 Wells Street, Chicago, Ill., urging the defeat of House bill 11096; to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, *June 24, 1930*

Rev. James W. Morris, D. D., assistant rector of the Church of the Epiphany, city of Washington, offered the following prayer, it being the collect for the day (St. John Baptist):

Almighty God, by whose providence Thy servant John Baptist was wonderfully born and sent to prepare the way of Thy Son our Savior by preaching repentance, make us so to follow his doctrine and holy life that we may truly repent according to his preaching, and after his example constantly speak the truth, boldly rebuke vice, and patiently suffer for truth's sake. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. MCNARY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. MCNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McNary	Steck
Ashurst	Glass	Metcalf	Steiwer
Barkley	Glenn	Moses	Stephens
Bingham	Goldsborough	Oddie	Sullivan
Black	Hale	Overman	Swanson
Blaine	Harris	Patterson	Thomas, Idaho
Borah	Harrison	Phipps	Thomas, Okla.
Brock	Hatfield	Pine	Townsend
Broussard	Hayden	Pittman	Trammell
Capper	Hebert	Ransdell	Tydings
Caraway	Howell	Reed	Vandenberg
Copeland	Johnson	Robinson, Ark.	Wagner
Couzens	Jones	Robinson, Ind.	Walcott
Cutting	Kendrick	Robsion, Ky.	Walsh, Mass.
Dale	La Follette	Sheppard	Walsh, Mont.
Deneen	McCulloch	Shipstead	Watson
Dill	McKellar	Shortridge	Wheeler
George	McMaster	Smoot	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

The VICE PRESIDENT. Seventy-one Senators have answered to their names. A quorum is present.

MUSCLE SHOALS

Mr. MCKELLAR. Mr. President, I ask unanimous consent that the clerk may read from the desk a short editorial from the Arkansas Gazette in reference to the statement of the senior Senator from Arkansas [Mr. ROBINSON] about Muscle Shoals; also a short editorial from the St. Louis Post-Dispatch entitled "A National Disgrace," having reference to the same subject and the speech of the junior Senator from Alabama [Mr. BLACK] thereon.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Arkansas Gazette, June 18, 1930]

TIME TO DO SOMETHING ABOUT MUSCLE SHOALS

Senator JOSEPH T. ROBINSON has urged President Hoover to intervene in the deadlock between House and Senate conferees on the question of Muscle Shoals legislation. The appeal is a timely one. The development of this great source of hydroelectric power should not be delayed year after year by the inability of Congress to formulate policies for its use. The controversy has dragged on for more than a decade now, and with House and Senate taking into conference two bills diametrically opposed to each other and the House refusing to listen to any proposals for compromise there seems small prospect for action during the life of this Congress unless more decisive leadership is displayed in the matter by the administration.

The average man can not be expected to understand all the questions involved, complicated as they are not only by technical problems of power generation and river navigation but also by problems of industrial chemistry and by the dispute between those who advocate and those who oppose public ownership and operation of such utilities as the Muscle Shoals plant. But the average man is convinced that some permanent program should be adopted for use of a property in which the Government has made a heavy investment. The public will feel that if Mr. Hoover's leadership is needed to bring about action Mr. Hoover might well exercise that leadership at this time.

[From the St. Louis Post-Dispatch, June 17, 1930]

A NATIONAL DISGRACE

Senator BLACK's powerful speech on Muscle Shoals should awaken the country to the disgraceful delay in putting this great plant to work. It was built during the war at a cost of $130,000,000, and has lain practically idle ever since, although the South is in desperate need of electric power. Loss in interest on the investment alone from 1918 to 1930 amounts approximately to $75,000,000.

The Alabama Senator blames Mr. Hoover for the failure of the present Congress to pass Muscle Shoals legislation. He says Mr. Hoover in his Elizabethton speech and in subsequent statements promised Government operation and control of the plant, but has not lifted a finger to put such a plan through Congress. At the present time a deadlock exists between the Senate and the House. The Senate favors Government operation of the power plant and also of the nitrate plant at the shoals. The House is obstinately opposed to this solution and favors leasing both plants to private interests. A compromise, suggested by Senator NORRIS, to lease the nitrate plant to fertilizer companies while permitting the Government to operate and control the power plant has been refused by the House.

Mr. Hoover's leadership would undoubtedly make it possible for House and Senate to agree. "It is a national disgrace and a national crime," says Senator BLACK, "that for 10 years the power and fertilizer interests have been able to prevent this great property from being put to work for the benefit of the public. The President could settle it with one word to the leaders of his party in the House and Senate."

Putting Muscle Shoals to work should appeal especially to the great engineer, whose mind is supposed to abhor waste and inefficiency. But, unfortunately, the great engineer seems to be overshadowed by the politician, frightened by the absurd bugaboo attaching to Government operation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nev., and for other purposes;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 486. An act to amend section 5153 of the Revised Statutes as amended;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes; and

S. 4096. An act to amend section 4 of the Federal reserve act.

The message also announced that the House had passed the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8529. An act to provide for the establishment of the Yakima Indian Forest;

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;

H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;

H. R. 11622. An act to provide for the appointment of an additional district judge for the eastern and western districts of Louisiana;